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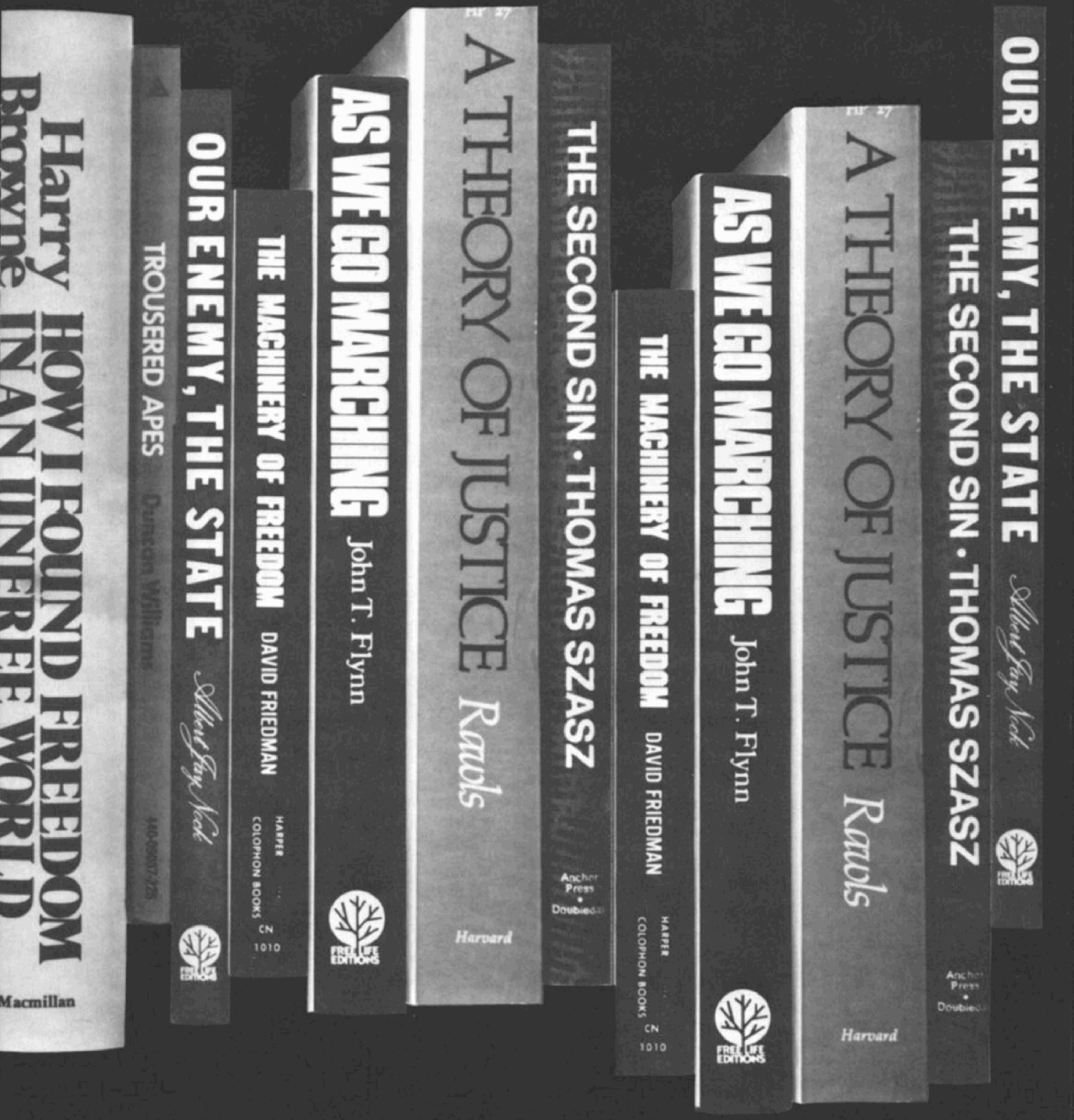
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ANOTHER LOOK AT A

by john hospers

Libertarians have often said, and by and large it seems to be true, that professors of philosophy in the universities of both the United States and the rest of the "civilized" world—not to mention professors of sociology, economics and political science—are either extreme statists or moderate statists. Most of them do not understand the free market and they have no respect for it or patience with it.

Professor Richard Taylor of the University of Rochester, New York, is a conspicuous exception to this generalization. He is extremely skeptical of the institution of the state. "Government," he says (p. 94) "is the coercion through threat and force of the many by the few." And among the various forms of government, he has as many cavils about democracy as about any other, especially when its real workings are glossed over with the trite formula "We're really ruling ourselves." Even if the rulers or rules can be shown to be good, wise and farseeing, this gives them no claim to rule others: "The declaration, 'I am a wise and good man,' might be followed by ... 'Therefore, I am entitled to command you and you are obligated to obey,' but the relationship of the two declarations is one of mere sequence. The word 'therefore,' irrelevantly appearing between them, is purely decorative and expresses no rational connection at all." (p. 103.)

To give the reader some idea of the intellectual tone of this book, as well as its inimitable style, I am going to quote one choice passage in full. Taylor imagines, in a little fable he constructs, a society of human beings living at peace with one another, until in the course of time,

> ... they begin to find men encamped here and there in what they had thought of as their homeland, men whose numbers greatly increase with time, until it becomes almost impossible to venture out without encountering them. They detect in them a patronizing attitude toward themselves and find that these men are all accompanied by, or can quickly summon, armed servants, ready at an instant to do their bidding. These servants keep a close eye on things, noting the comings and goings of the people and speculating on their purposes, from time to time peering into their windows to see what is going on there, noting down all their impressions, and regularly sending these along to someone they deferentially refer to as The Man. They also come around occasionally to help themselves to a certain fraction of the contents of everyone's pockets, according to a formula provided by The Man. Eventually it is discovered that high fences have gone up around the entire periphery of the place, intended, the people learn, to keep everyone inside. In case anyone should want to leave, to go through this high fence, he must first seek permission from The Man. Such permission, one is assured, will probably not be withheld, provided it is first established that the applicant has not violated any of a long and complex list of rules. These rules of course emanate from The Man—but not in any arbitrary or despotic way. Not at all. The people are themselves, they learn, the authors of them, at least for all practical purposes. Indeed, the Man and his servants make and enforce all these rules only with the prior consent of the people who must obey them. This is ensured in the most obvious and foolproof way imaginable, by their being given the opportunity every few years of writing The Man a letter—or at least, those who have obeyed all the rules are allowed to do this; the others are not. The letter is very succinct and to the point; so brief, in fact, that it contains only the single word "yes" or "no," which is meant to express how its author feels about The Man and his latest rules. In time this right of sending the letter, at quadrennial intervals, comes to be represented as the most precious blessing anyone can possess, far exceeding in its importance any interest he may have in anything else. It matters little what else one is allowed or forbidden to do as long as he is allowed to write this short letter every few years; for without this, he has *no* freedoms at all, whereas with this one, he has them *all*. At least, so everyone is told. No one actually looks at these letters, of course, except to pile them into two stacks and see which is higher; but they do serve the overwhelmingly important purpose of ensuring that the people who write them are free men, governed by their own consent, and of demonstrating that the often frivolous and sometimes galling rules enforced at every turn at the point of a gun do not really in any way delimit anyone's freedom at all. On the contrary, they guarantee for everyone a higher order of freedom. Nor are the rules really concocted by The Man, notwithstanding appearances, but by the people themselves, for that is what they were really doing, the last time they sent him their terse and friendly letters.

John Hospers is director of the School of Philosophy at the University of Southern California. He is the author of LIBERTARIANISM *and a number of books on philosophy. In 1972 he received one electoral vote as the presidential candidate of the Libertarian Party.*

ANARCHY & FREEDOM

About half of the rules make sense. People are not supposed to go around hitting each other, for instance, nor taking each other's money without asking. The *Man* can take their money without asking, to be sure; in fact, once each year he sends agents around to reach into the people' pockets and take a fixed proportion of what they find there. If the agents meet with resistance, they end up taking whatever they want. But this is all right, since the people in effect told them they could do this by writing "yes" in their last letter. Or, in the case of those who did not, then their neighbors did this for them. In any case, *someone* said "yes," which can accordingly be taken as the expressing of each man's will.

So about half of the rules have some sense to them. The rest, however, are pulled out of a hat. People propose rules—any rules, it doesn't matter what they are—and these are all dropped into a hat and from time to time randomly drawn out. One of them is to the effect that no one may drink goat's milk except at certain hours and in certain precisely defined areas, and at exorbitant cost, most of the cost of it being a hidden tax that goes to The Man. Many people have an inordinate fondness for goat's milk, but some who tried it did not like it; so they put in the hat the rule that no one should ever have it at all, and that rule somehow got drawn from the hat. For awhile it was vigorously enforced, until modified by The Man in response to public clamor on the one hand and his desire for more revenue on the other. Another such rule, not so old and hence still uncompromisingly enforced, is that one may never drink tea, even at home, nor even possess it, even in molecular quantities. This rule was originally one of those drawn from the hat, of course, but it came to be represented as expressing the most basic of all those virtues that are traceable to the founding fathers and, some say, to God. Thus, in order to avoid public disgrace, a person has to sneak into a remote cave and there, in the darkness and isolation, proceed to brew it; if he is discovered, he is stripped, for the time being and perhaps for life, of the most basic human right to send a quadrennial letter to The Man, is made to turn over a considerable portion of his possessions, or else has obloquy heaped upon him and is locked up for years in one of the many zoos built for this purpose. Far worse than this, however, is selling tea—an act that is made the more hazardous by the fact that The Man pays his servants to be purchasers of it in order to trap people into selling it so he can send them off to the zoos.

There are many rules like that, drawn from the hat. In time some of them become obsolescent and are left unenforced, or are enforced only sporadically at the whim of The Man's armed servants; but others are always drawn from the hat to replace them. One of them, for example, requires that no adult male share his life with an adult female not related by blood without first obtaining The Man's permission and submitting to certain ritualistic procedures. Having once got this permission, gone through with the required forms, and begun such an arrangement, he may not then dissolve it without again soliciting permission from The Man, and this permission is given only with reluctance, if at all. One may not take two or more such persons under his roof under any circumstances whatever, at least not at the same time, The Man insisting on zealous enforcement of this rule always, having declared it to be essential to something or other. [pp. 15-17.]

There—no libertarian could have said it better. But Professor Taylor does believe there should be a government, and that it should have certain limited powers. One of his main tasks is to state and defend a view of what those powers should be. He quotes John Stuart Mill's famous passage in *ON LIBERTY,* that *"the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others."* (and other passages by Mill to the same effect), and says that Mill provides no criterion at all, since he provides no clear definition of what constitutes "harm" (p. 57). If we construe the term "harm" narrowly, limiting it to bodily injury, then the principle would not protect us against theft and fraud; such a definition would expand individual liberty far beyond any reasonable limit and leaves us free to do anything we want to others short of bodily injuring them. But if we adopt a wider criterion of harm, we end up with no individual freedom whatever, for many people may feel more harmed and actually *be* more harmed, though not necessarily in a physical way, by having their cherished beliefs questioned, or by the actions of those whom they don't consider patriotic, or who have long hair or get drunk or dress in a way they don't like, than by robbery or trespass. On this criterion, virtually all actions would be prohibited, because they would "harm" someone or other.

FREEDOM, ANARCHY AND THE LAW. By Richard Taylor. Englewood Cliffs: Prentice-Hall. 1973. 144 pp. $2.95.

J. S. MILL'S ERROR

Mill, as if aware of this, amended his principle to read that the liberty of the individual encompasses "all that portion of a person's life and conduct which affects only himself"—but not that which adversely affects others. But this reformulation, as Taylor sees rightly, is a catastrophe:

> One is free to be a drunk provided this does not adversely affect others. What others? And how adversely? Mill specifically mentions one's children and one's creditors—but having mentioned these, at what point shall we stop? Shall we include representatives of the Christian Temperance League? If not, why not? Indeed, the whole principle virtually explodes in its author's face when he finds that it permits judicial restraint of those whose styles of conduct are "offenses against decency" and "violations of good manners," and draws the appropriate inference . . . that such behavior should indeed be suppressed! Clearly this is no principle of liberty at all, but an instrument for grinding men down to conform to someone's conception of "decency" and "good manners." [pp. 59-60.]

What criterion, then, can we find acceptable, if not the first one which is too permissive and the second one which is too restrictive? At this point the libertarian claims that he has a solution; but, so far as can be discerned, Taylor has never read any of the literature of libertarianism, and knows nothing of its basic philosophy. His attempt to generate a criterion of his own, then, is all the more interesting.

To solve the Problem Taylor draws a distinction between "*natural* injury" and "*conventional* injury." A natural injury is anything that evokes deep resentment on the part of the injured party, "by virtue of his very nature as a man." A conventional injury is something one resents not by virtue of his humanity but because of what he has learned or how he has been conditioned by his culture (p. 63). The eating of pork and the desecration of religious or patriotic symbols are conventional injuries; being murdered, clubbed, robbed of the fruits of one's labor are natural injuries and resented by people in all cultures. There are, says Taylor, only three ways in which people may "naturally" injure each other: (1) assault, (2) theft, and (3) fraud. No one needs to be taught "that an assault upon himself is something bad, nor does anyone suppose that the evil of such an action is a mere consequence of some edict, declaration, or law." (p. 62.)

Each of these three terms is vague, of course, but not too vague to be manageable. " [A] violent blow to a man is . . . an assault—but so is deliberately driving him mad by forcing him to swallow a dangerous drug . . . . [D] epriving a man of his property by spreading lies about him can be thought of as a species of theft, being essentially no different from physical divestment or seizure of his goods." (p. 62.) But among the things *not* to be counted as injuries are offenses to taste or sensibility, e.g., offensive language and eccentric styles of dress. He goes into much more detail about this, but his limitation on each of these categories is fairly specific (Chapter 10).

Much could be said about his rationale for arriving at these categories: some libertarians would say that he should, like Rand, have developed a doctrine of natural rights from which these conclusions follow, and others that he should have gone in more for Aquinas and the tradition of natural law (which he does to some extent). At any rate, it turns out that the very categories of acts that should be called crime according to Taylor—as well as those that should not—are virtually identical with those that libertarians themselves have set forth. Dearest of all to the hearts of libertarians will be Taylor's remarks on "victimless crimes":

> What one does with his own body and mind, whether he uses drugs, intoxicants, poisons, stimulants, or whatnot, whether he engages in activities dangerous to his own well-being, whether he takes certain obvious precautions for his own safety, such as wearing certain safety devices on the public highways or locking up his belongings, are beyond the concern of any legislator. . . .
>
> . . . [A] legislator may ask concerning any practice whatever: *Not* whether it is in keeping with morality; *not* whether it accords with the ordinary standards of decency; *not* whether it reflects civilized manners; *not* whether it is offensive to the sensibilities of law-abiding citizens; *not* whether it clashes with the cultural and religious heritage of his society; *not* whether it is perhaps pointless, foolish, and profitless; *not* whether it is in keeping with the minimum standards of personal conduct; and *not* (even) whether it is perhaps extremely dangerous (to him, alone, who undertakes it). . . .
>
> . . . [T] he lawmaker may ask only: Is it injurious to anyone but the agent? And if he is able to answer "yes" to that question, then he needs to ask still another: Is the injury thus wrought of a kind that would be felt by all or most men, independently of their training, customs, and conventions? And only if *that* question, which is a question of sociology rather than one of jurisprudence, can yield no answer but "yes" does the lawmaker have any concern with the practice at all. The morality of citizens, whether what they are doing is right or wrong, or whether they even know the difference between right and wrong, is of no more concern to him than to any ignorant and idle meddler. [pp. 68-69.]

JUSTIFICATION FOR THE STATE

What, then, is the justification for the existence of the state, and for obedience to its laws? It is inherently coercive, and most of the "justifications" for our obeying its mandates are quite patently false. The democratic apologia, that "after all we govern ourselves," is quite ridiculous: not only did you and I not originate a single law, but in a democracy we are subject to laws just because the majority have agreed to it (which is not even true in present-day democracies); a majority could well enslave a minority, and for the minority to be told that they are really free because they had a chance to cast their vote would be untrue and hypocritical (Chapter 15); "We've all taken a vote and have decided that you're to serve us for the rest of your life." Equally ridiculous is the contract theory in all its forms: you and I neither explicitly not implicitly agreed contractually to obey the laws of the state into which we happen to have been born. Taylor considers different varieties of contract, and concludes (correctly, I believe) that our relation to the state fulfills none of them (Chapter 16).

"The ultimate justification of the state, if it has any, can only be its expansion and enhancement of *freedom*" (p. 118)—the *freedom* of every citizen. Not even his *happiness*—this the state cannot bring about, and should not even if it could, this being left to the voluntary activities of individuals—but his *freedom.* But how can the state do this? "The state does not at all resemble . . . any instrument for the enhancement of freedom. On the contrary, coercion is inseparable from it . . . ." (p. 118.) Yet the state can, in certain respects, be an effective guarantor of freedom. Let us see how, according to Taylor, this is the case. Freedom, he says (Chapter 17), has two aspects, the negative and the positive:

(a) The negative aspect is the more familiar. Because the state prohibits and punishes crimes—assault, theft, fraud—it protects citizens against aggression and thus protects their freedom to pursue their chosen peaceful pursuits. Properly enacted and enforced, the criminal law takes away no freedom except the freedom to injure others (Chapter 18). The form of government does not matter here: even if the government were a hereditary despotism, if it limited its activities to protecting the citizens against these aggressions, it would be promoting their freedom.

(b) Those who focus only on the criminal law often forget that there is another aspect of freedom which government enhances, in fact makes possible, and that is *enablement* (Chapter 17). Someone wishes to adopt children, and the law places no obstacles in their way; but this doesn't *enable* him to do it, since "by its very silence it provides no means." Couldn't he just go ahead and adopt children as he pleased? No, nothing he might do would *count* as adopting a child. "He might . . . go around gathering up homeless children and bringing them home; but then someone else might gather up the same children a week later, and he would have accomplished nothing at all." (p. 120.) Or suppose a person wants to keep hunters away from his farm, and that nothing in the law prohibits this; but he still isn't free to do it, for he

> cannot . . . even give meaning to the idea of *his* farm or distinguish it from anything else in the countryside, without a title or deed which defines its boundaries and law which protects his claims to it. Without these, every hunter in the county is perfectly entitled to demolish the woodlands as he pleases and slaughter away to his heart's content, having at least as much right to these lands as their 'owner'; for without law, and the state to enforce it, no meaning can be given to the idea of an owner. [p. 120.]

Freedom in this sense is not only compromised, it is completely impossible except within the framework of a legal order.

Limited-government libertarians are likely to reply "yes" to these points of Taylor: government, only if it is limited in the way described, enhances freedom and indeed (in some respects) makes it possible. But of course there are anarchist libertarians too, who have defended in detail the thesis that the criminal law and issues of enablement can be handled by an interlocking system of private defense agencies, arbitration agencies, and insurance companies: see Morris and Linda Tannehill, *THE MARKET FOR LIBERTY,* and Murray Rothbard, *FOR A NEW LIBERTY.* And although many objections have been made to all this—e.g., that dealing in defense is quite different from dealing in other services, and the "defenders" might collude to provide no defense at all and dominate the area by force of arms—the champions of anarchy have other arguments in rebuttal, and anyway they can correctly point out that governments suffer from equal or greater dangers in this regard.

What of Taylor's thesis concerning enablement? Here again the anarchist will say that such benefits can be conferred by competing agencies, hired by individuals, as well as or better than by the state. But here I see problems, though anarchists might present arguments that would convince me that they could be overcome. At any rate, Taylor, presumably not having read the libertarian-anarchist literature, sees no alternative but the state to handle the twin issues of (a) aggression and (b) enablement.

AREAS FOR STATE INTERVENTION

The state, then, says Taylor, has some use, though a limited one. I shall conclude with a few examples of cases in which Taylor believes the state is quite rightly involved, indicate why he thinks it should be (and whether this is consistent with his previous allegations about the function of the state), and (sometimes) whether libertarians would agree and why.

1. Taylor believes that some areas of land should

be publicly owned so that everyone may have access to them: if the private ownership of land is extended to the private ownership of areas used exclusively for recreation, such as seashores and parks (p. 35), then only a few persons may be able to enjoy them and the rest of us are deprived of their use. Therefore they should be "publicly owned" (i.e., owned by the state).

It is certainly not clear how state ownership of such lands falls under one or another of the three areas in which government action is called for according to Taylor; what crime of assault, theft, or fraud is committed by those who (privately) own such lands? It seems likely to me that Taylor has not heard of any viable alternative to state ownership here, since he has apparently not read Rothbard and the other free market theorists who have presented and defended their case on the matter. Such a defense, as most libertarians doubtless know, would proceed somewhat as follows: there is a market for wilderness-freaks and beach-freaks just as much as for those who would buy the land in order to cut down the forests—lots of people "want to get away from it all" and are willing to pay for the privilege of doing it. In a country in which all land was privately owned, many, at least, of the scenic and recreation areas would be owned by those who, for a fee, would enable others to use them for boating, camping, hiking, and exploring. (The National Park Service, a government agency, charges money for this now, on top of the taxes that we all pay to maintain these government lands whether we use them or not.)

2. Another example is pollution, which has become so severe that today "there is no hope whatsoever or bringing it under control except by restraint imposed by the state." (p. 132.) Here, he says, "reason and good will and recognition of an evil, even if universal, are of little help, and the only hope lies in strong law vigorously enforced." Again, I wonder whether Taylor would have maintained this view, in the face of his previously described theories of what should be called crimes, if he had read the libertarian literature on the subject. The polluter is, after all, violating the property rights of whoever else's property he pollutes, not to mention the persons of the individuals whose lungs his products pollute. Taylor agrees that there are crimes against both persons and property, and pollution often falls under both. The polluter would be sued in the courts like any other trespasser. So laws governing pollution are not required to deal with the problem.

3. "[M]any species of wildlife would be quickly eradicated were it not for the protection of the state. Men in general agree that such wildlife should be preserved . . . and yet only the state, through the creation and enforcement of law, can provide such protection and regulation." (p. 132.) Now this one may present more of a problem. Some libertarians don't care whether the wildlife is preserved or not. Others do care, but do not want to see coercion exercised. Some would put forward a doctrine of the rights of animals—but, in view of the fact that there is a competition for life throughout the animal kingdom, that man is the only animal that survives by his rational faculty and most of the other living beings survive by killing and eating each other, any account of the rights of animals faces such overwhelming problems that I have yet to see a single satisfactory account of this matter by anyone.

Again, it is not clear how the killing of wildlife falls under any of the three categories of crime Taylor has previously delineated. Why then does he wish to make it one? His reasoning here is extremely interesting, of a kind well known to students of philosophy in many a contemporary book on ethics, but not much known to the libertarian community: (a) that there are some highly desirable ends that can be achieved only if everyone cooperates in achieving them, and (b) the only way everyone will cooperate is by being coerced by law into doing so. Thus, Taylor describes what he thinks would happen if there were no laws protecting wild species:

> Without the intervention of the state, there would be unrestrained competition for these [species of wildlife], followed soon by total extinction. Men do not voluntarily restrain themselves from such temptation; and even if hunters agreed to a man that a given species of animal should never be hunted, they would nevertheless hunt it simply from the justified conviction that if they did not, *others would.* [p. 132.] [Emphasis added.]

In other words, even if 99 percent cooperated, the one percent could kill off the species; so we must have laws protecting the species.

The contemporary philosopher Colin Strang ("What if Everyone Did That?" in Baruch Brody (ed.), *MORALITY AND PARTICULAR CIRCUMSTANCES,* Prentice-Hall, 1970) even defends *selective service* by a similar line of reasoning:

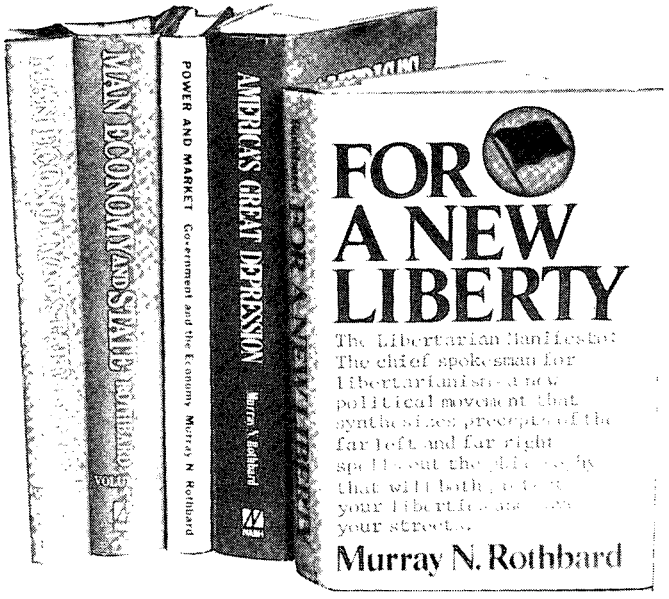
> The enemy threatens. A mere handful volunteer. The writing is on the wall: my volunteering will not affect the outcome. But conscript me with the rest to stay the deluge and I will come without a murmur. No good will come of my volunteering as long as millions of others don't do so at the same time; but great good will come of a general conscription which gathers me in with the rest.

He then goes on to say that my volunteering may do positive harm, e.g., if all who resist and survive will be executed; but if a million others fight together (possible only by conscription), we shall win the day. (This whole line or argument, called "the generalization argument," is set forth and defended in detail in Professor Marcus Singer's book *GENERALIZATION IN ETHICS,* and has been chewed over, ramified, attacked, and revised, in many dozens of reviews of this book in philosophical journals from 1961 to the present.) *(concluded on page 29)*

Meet

Murray N. Rothbard

Economist. Historian. Polemicist. Social Critic. Architect of Liberty



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Two Libertarian Classics

by murray n rothbard

OUR ENEMY THE STATE. By Albert J. Nock. New York: Free Life Editions. 1973. 118 pp. $2.95.

Sympathizers with libertarianism are often unfamiliar with two very different strands within the tradition: what might be called the "radical" and the "conservative" libertarian. The better-known *conservative libertarian* (e.g., Milton Friedman) regards the State as a bumbling, generally inefficient instrument of society. As such, the conservative libertarian generally opposes State action and intervention; but his analysis is cool, relatively dispassionate, and concentrates on the social inefficiency of governmental measures. Furthermore, every so often, the conservative libertarian cranks his data into his "cost-benefit" computer and grinds out the conclusion that, on this particular issue or other, the State *should* intervene. Areas of accommodation to government differ from one c-l to the next, but range from massive military spending, to voucher plans for government payments to education, to municipal parks.

The first thing one notices when turning from conservative to radical libertarian works is the different "feel," or tone of the writing. Often equally scholarly, the radical libertarian sets forth with an air of determined hostility to the entire State apparatus, to the government and all its works. It is not *just* that the radical libertarian consistently opposes all government intervention whatever, so that one need not wait for the cost-benefit computer to come up with his political position on each particular issue. There is more to it than that—for the radical libertarian has a totally different viewpoint of the nature of the State itself. Instead of a bumbling and inefficient tool of society, the radical sees the State itself, in its very nature, as coercive, exploitative, parasitic, and hence profoundly *anti*social. The State is, and always has been, the great single enemy of the human race, its liberty, happiness, and progress.

SOCIAL POWER VS. STATE POWER

Nowhere has the "radical libertarian" position been presented with more insight, clarity, brilliance, and stylistic beauty than in the works of Albert Jay Nock, and in particular his little gem, *OUR ENEMY THE STATE.* Long out of print, this work has now been reprinted in a beautifully bound paperback edition by the new Free Life publishers. Here is the book to turn to for a superbly written understanding of the radical libertarian viewpoint. The most systematic of Nock's works, *ENEMY,* published in the 1930's under the impact of the Hoover-Roosevelt New Deals, focuses on applying the radical libertarian ideology to American history. In the course of the work, Nock makes clear how and why the State is the enemy, how State Power has always been the crippler and poisoner of **Social Power** (Nock's happy term for all the voluntary arrangements and interactions, economic, cultural, and social, that individual people have created.) All history then becomes a race and a contest between the felicitous creations of Social Power—the peace, prosperity, and harmony fostered by voluntary arrangements—and the blight, destruction, and impoverishment brought on by coercive State power, in taxing, controlling, and regulating individuals and their voluntary interrelations.

Nock, in short, saw clearly that the State is organized predation and looting, and therefore that the State apparatus and its minions constitute an organized criminal band of predators and looters. (We are already in a very different world from that seen by Milton Friedman!) Furthermore, through their power of taxing, regulating, and spending, the State and its rulers constitute an organized exploiting group or class, in effect a "ruling class"; while the rest of us ruled and exploited by the State constitute a class *of* the ruled. The great libertarian tradition of ruling class theory far antedated and is much sounder than the Marxian tradition; but it has unfortunately been virtually forgotten, so that the mere mention of such words as "ruling class," "imperialism," etc. seems to the reader or listener to be Marxian and hence an indictment of Big Business *per se.* Read *OUR ENEMY THE STATE,* and among other benefits, you will find what the very different, libertarian tradition of ruling class theory is all about. It is, for one thing, a ruling class that *only* comes about through its achievement of power in the State, and *never* arises through business or voluntary activities on the free market.

Nock's *OUR ENEMY THE STATE* is, in short, a superb book—perhaps the most important single book for learning about the radical libertarian position. It is greatly enhanced in this edition by an introduction by Professor Walter Grinder, as well as by a brilliant annotated bibliography of libertarian writings by Grinder that constitutes the best libertarian bibliography available anywhere. The bibliography alone is worth the price of admission.

Murray N. Rothbard is Professor of Economics at the Polytechnic Institute of Brooklyn, and a contributing editor of REASON. *He is the author of numerous books and articles on economics and history, and is editor of* THE LIBERTARIAN FORUM. *He and historian Leonard Liggio were interviewed in the February 1973 issue of* REASON *("The New Isolationism"), and Rothbard's most recent book,* FOR A NEW LIBERTY, *was reviewed in* REASON's *September 1973 issue.*

AS WE GO MARCHING. By John T. Flynn. New York: Free Life Editions. 1973. 272 pp. $3.45.

Nowadays, we think we know what "right-wing" foreign policy is. Made familiar to us by the Buckleys, *NATIONAL REVIEW,* Senator Goldwater, and numerous other conservatives, the policy is essentially one of battling Communism and national revolutions all over the globe. Conservatives have long been in the forefront of pursuing and trying to heat up the Cold War, and of trying to suppress Communist or revolutionary movements in Southeast Asia, or any other parts of the world. As a corollary, conservatives, while presumably urging decreased government intervention at home, can be counted on to be enthusiastic about any and all spending demands by the Pentagon or increasing the power of the military.

It was not always thus. Thirty years ago, the right-wing, what we might call "the Old Right," propounded a blistering critique of burgeoning foreign intervention, warmongering, and American militarism that today would generally be hailed or denounced as "left-wing." Yet it was the Old Right which saw unerringly the growth of Big Government, in both foreign and domestic policy, as the major threat to our freedom, and no false pleas of superpatriotism prevented them from denouncing these trends. For the consistent and militant isolationists, American interventionism and foreign war were to be condemned as both murderous and counterproductive whether it be World War I, World War II, or the Cold War in the spotlight.

FASCISM AND IMPERIALISM

Of all the Old Right "isolationist" attacks on the war policies of the New Deal, none was more trenchant, more incisive, and more brilliantly written than John T. Flynn's *AS WE GO MARCHING.* Flynn saw what the current right-wing has so tragically missed: that Big Government is just as evil, just as much a threat to our liberty in foreign affairs as it is in domestic; in fact, that war and threats of war have always been the major weapon by which the State and its allies fasten their oppression over the general public. Written with high courage in the midst of the war hysteria of World War II, and therefore promptly forgotten, *AS WE GO MARCHING,* with keen political and historical insight, first describes and analyzes the fascism of Germany and Italy, and then turns to the New Deal, and points out that the New Deal, in its corporatist and interventionist policies at home and abroad, was in the process of bringing the essence of fascism to once-free America. The essence of fascism, Flynn warned, is not brown shirts or pogroms, but the political economy of statism: Big Government dominating and planning the economy at home, the Leader (or President) virtually all-powerful within the government, and a foreign policy of perpetual war and intervention to establish hegemony over the globe. With brilliant insight, Flynn condemned the New Deal system as not only fascist, but also as imperialist; like his fellow Old Rightist Garet Garrett, Flynn realized that the Wilson-FDR policy of global intervention was a virulent form of American imperialism, a policy under which both the subject American and foreign populations are bound to suffer.

It is unfortunate that now when we hear charges of "imperialism," we automatically condemn the speaker as Marxist—not realizing that the original anti-imperialists of the nineteenth century, the Cobdens and Brights and Sumners, were libertarian *laissez-faire* thinkers who saw deeply and correctly that war and militarism would be the death not simply of free markets and a free society but of the classical liberal movement itself. Flynn's *AS WE GO MARCHING* applies these antimilitarist and anti-imperialist insights to the New Deal, and by clear implication, to the entire postwar American System (Truman-Eisenhower-Kennedy-Johnson-Nixon) that followed—and that continued explicitly and implicitly in the Wilson-FDR tradition. It is a brilliant book, and must reading for libertarians still wedded to the interventionist foreign policy under which they were brought up.

INFLUENCE OF NATIONAL REVIEW

Professor Ronald Radosh contributes an excellent preface to this handsomely bound reprint, placing Flynn and his contribution in its historical context, and demonstrating that, after the book was written, Flynn continued to oppose interventionism in the form of the Cold War and American imperial adventures in Asia. He also points to the symbolic changing of the guard, when *NATIONAL REVIEW* came on the scene in 1955 to lead the right-wing from isolationism to the global anti-Communist crusade. Flynn contributed an article to *NATIONAL REVIEW* in the fall of 1956, attacking militarism and military spending as a socialistic "racket." Characteristically, Buckley refused to publish the piece; the reason was that Flynn had failed to succumb to the bogey of the "Soviet threat" in the same way that he had rejected the bogey of the "Nazi threat" a decade and more earlier. Previously it was the liberals who denounced Flynn and now it was the conservatives. As Radosh concludes, "In both cases, Flynn remained true to the analysis put forth most clearly in *AS WE GO MARCHING.* The threat was not abroad; it was internal. It was not Soviet Communism that menaced America—it was the Statism at home and the growth of domestic fascist trends ... the militarism and fascism within ourselves." Any who are inclined to dismiss this as left-wing propaganda especially owe it to themselves to read John T. Flynn, and to find out what the libertarian-oriented Old Right was all about. ◻

THE GOD OF THE MACHINERY

by eric mack

David Friedman's *THE MACHINERY OF FREEDOM* is an intriguing and stimulating libertarian investigation. It is worthy of a detailed critical discussion and that is what I propose to offer here. The reader should be aware that at all points my purpose is to reach a correct understanding and evaluation of the arguments under consideration. My purpose is *not* to defend or attack any particular school of libertarian thought, e.g., anarcho-capitalism or limited governmentalism.

I. DOES THE MACHINERY OF FREEDOM AS SUCH GENERATE FREEDOM?

The three chapters, "Police, Courts, and Laws—on the Market," "The Stability Problem," and "Is Anarcho-Capitalism Libertarian?" (pp. 155-78) constitute the most sustained single argument in *THE MACHINERY OF FREEDOM.* In these chapters, Friedman attempts a special type of justification of the anarcho-capitalist view. Friedman's clear discussion of private police and defense agencies (pp. 155-58) leads him to the fundamental questions, "In . . . an anarchist society, who would make the laws? On what basis would the private arbitrator decide what acts were criminal and what their punishment should be?" (p. 159) Friedman's forthright answer is,

> [S]ystems of law would be produced for profit on the open market, just as books and bras are produced today. There could be competition among different brands of law, just as there is competition among different brands of cars.
>
> . . . .
>
> In such a society law is produced on the market. A court supports itself by charging for the service of arbitrating disputes. Its success depends on its reputation for honesty, reliability, and promptness and also on the desirability to potential customers of the particular set of laws it judges by. [pp. 159-60.]

Friedman's position is quite different from the usual anarcho-capitalist approach on this issue. As a means of understanding Friedman's position, let us introduce the terms, "free market law" and "libertarian law." "Free market law" means law that is produced through a *market system* of laws and courts. "Libertarian law" means law which accords with libertarian principles. The usual anarcho-capitalist position is to argue that, given a sufficiently large libertarian public opinion, the defenders of libertarian law (the defense agencies and courts which respond to the libertarian public opinion) will be able to "monitor" the market for law, and will, quite legitimately, prevent the emergence of nonlibertarian law or the enforcement of nonlibertarian law. Such "monitoring" of, or "interference" in, the market is seen as just as legitimate as any other "interference" to prevent criminal activity. It should be clear that the legitimacy of this type of "monitoring" or "interfering" is consistent with, indeed even required by, any plausible libertarian theory. It is by projecting such "monitoring" that the anarcho-capitalist usually explains why, given a sufficiently large libertarian public opinion, the only law which will emerge as free market laws will be libertarian laws.

The usual approach, then, is to ask and answer the question, "How (under what conditions) will the market supply libertarian laws?" Friedman's approach is to ask the question, "What law will the market supply?" Friedman is concerned with avoiding, as much as possible, arguments which rely upon claims about "rights, ethics, good and bad, right and wrong." (p. 223) Since the "monitoring" of the usual anarcho-capitalist approach is defined in terms of preventing the violation of rights, just defense, etc., it involves the introduction of the type of normative claims which Friedman would rather avoid. Instead of taking the approach of indicating how the laws that

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are provided by private firms may be legitimately restricted (by private firms) to libertarian law, Friedman confines his study to the dynamics of the private (i.e., free market) provision of laws and courts. He is concerned with how the machinery of freedom *as such* operates. The machinery of freedom—the market—is, of course, fueled by persons' desire to get what they value at the least overall cost to themselves.

THE LAW MARKET

What Friedman would *like* to show is that the market would supply, or would tend to supply, libertarian law—independently of any policy of libertarian "monitoring." Thus, Friedman attempts a type of value-free account of libertarian law. The account makes no reference to persons' acting out of libertarian attitudes or convictions. If Friedman can establish that there is a significant *tendency,* at least, for the machinery of freedom as such to produce libertarian laws and courts, he will have accomplished two further things: (a) a scenario for libertarian law will have been provided which does not involve the "moralism" of the usual anarcho-capitalist scenario (or of the limited governmentist scenario), and (b) a reason will have been provided for preferring anarcho-capitalism to limited governmentalism, since we know the political (nonmarket) production of law has no inherent tendency to yield libertarian law.

I turn, then, to an examination of Friedman's scenario. A distinctive feature of this account is the emphasis on the role of *bargaining:* two defense agencies represent their respective clients in negotiations which result in agreements about what laws, if any, will apply to the dealings of the members of one group with the members of the other group. For example, suppose that members of group A strongly desire that the rule of execution for murder apply, while the members of group B desire some less harsh rule. Defense agency A (representing group A) will offer something to defense agency B and (thereby) to the members of group B in return for their agreement to the more harsh rule. Perhaps defense agency A (acting on behalf of group A) will offer money. Or, perhaps, it will offer acceptance of some other law which members of group A would rather do without but members of group B desire. In any case, if some agreement is reached, each party gains something which it values more than what it must give up. It is extremely likely that some agreement would be reached just because it would be valuable to all concerned. The process of agreeing upon a set of laws may, of course, take the form of agreeing upon what particular court (where we imagine courts to vary in the laws which they are pledged to enforce) will have jurisdiction in specific types of cases. Thus, Friedman speaks of defense agencies agreeing upon what courts will be patronized.[2]

With this understanding of the machinery of freedom in laws and courts we can turn to the question, "Is ("unmonitored") anarcho-capitalism libertarian?" Specifically, will this machinery of freedom as such generate a libertarian legal system? Friedman's affirmative answer seems to come on two distinguishable levels: (1) he argues (pp. 161-62) that the bargaining aspect of anarcho-capitalism in laws and courts maximizes the extent to which persons can live under the laws which they want to live under; and (2) he argues (pp. 173-76) that, under anarcho-capitalism in laws and courts, the costs and benefits of laws are assigned in such a way as to create a tendency toward libertarian law.

LET'S MAKE A DEAL

Friedman contrasts the anarcho-capitalist bargaining conception of the generation of laws with nonmarket, i.e., political, determination of what laws will apply to the populace. The virtue of the former, compared with the latter, is that the bargaining process allows for "the customer's legal preference, his opinion as to what sort of law he wishes to live under . . . [being] a major factor in determining the kind of law he does live under." (p. 162.) However, a particular customer has this power to avoid living under unwelcome laws only if he is a member of a group which has something to offer in trade—either money or concessions—to the members of the groups which propose the unwelcome laws.

It is true that, insofar as such deals are made, there is an overall maximization of persons' living under laws that are desired—whatever those desired laws are. But we should note that our current political-legal processes can be understood in a way which makes their operation very much like the complex trading-off processes which, according to Friedman, are a central feature of a market in laws and courts. Persons are members of (multiple) interest groups. These interest groups form coalitions, bargain, make deals, and so on, with the aim of producing laws most compatible with the wishes of their members. Interest groups bid for laws through offers of political, financial, and moral support and through offers of concessions and alliances. (Some political scientists consider the genius of this pseudo-market arrangement to be the maximization of the satisfaction of political-legal demands.) Obviously, there is some difference between Friedman's anarcho-capitalist scenario, as sketched to this point, and the interest group picture of our current political scene. But the question is, "How significant are those differences?" The parallel between Friedman's scenario, as sketched to this point, and this picture of the current processes which determine law is, I think, extensive. For example, a person who is not a member of (a large enough number of) sufficiently strong interest groups is up the political-legal creek in much the same way as a customer for laws and courts would be if he, individually or in union with those of like interests, had nothing to offer in trade to those who proposed laws which the customer finds offensive. In both cases, the weakly positioned person would have to accept those offensive laws—eking out

what minor concessions he could. Of course, in *any* society the relatively weak are in a precarious position. My point is simply to suggest that, if there is an important difference between market and political means of determining law, it is not the element of bargaining which makes that difference. Although the bargaining mechanism which Friedman describes would be fruitful in allowing persons to live under laws which they want to live under, this fruitfulness does not signify a tendency within the mechanism to yield libertarian law.

Clearly what is missing in the bargaining mechanism, as it has been presented to this point (and what is missing in the current political-legal context) is a limitation upon the type of bargaining positions which the parties to negotiations take. Friedman *does* claim that there are limitations on the bargaining positions which are taken by the negotiators which he envisions. Of course, these limitations do not proceed from the type of "monitoring" which I previously mentioned as typical of the anarcho-capitalist position. Instead, and specifically, Friedman wants to argue that, under anarcho-capitalism in laws and courts, the costs and benefits of laws accrue to individuals, and are known to accrue to individuals, in such a way as to place a damper on the demands for laws that are made by individuals. Thus, Friedman's full scenario for the operation of an unmonitored market in laws and courts does include certain limitations upon the demands for law which enter that market. We must see what these limitations are so that we can judge whether, in the light of these limitations, a market for laws and courts as such has a tendency, at least, to generate libertarian law.

THE PRICE IS RIGHT

Within the anarcho-capitalist situation, people's desires for the existence of this or that law are based upon their conceptions of what laws are in their interests under the circumstances that obtain. One will not have defense agencies or courts enforcing (or attempting to enforce) particular laws if the costs of having such defense agencies or courts, to those who would otherwise patronize those defense agencies and courts, would be higher than the anticipated benefits for those potential customers. According to Friedman (as I construe his argument), the costs to the potential customers can be too high in two different ways.

First, the actual monetary costs can be high relative to the benefits (usually psychic) of enforcement. To some extent this is true, for instance, in cases of laws creating victimless crimes (the prohibition of consensual conduct, such as gambling, prostitution, etc.). If those who desire such laws could not fob off, through the political process, a large percentage of the costs of enforcement, they would not purchase such laws. In effect, Friedman argues that victimless crimes are "public goods" which would not be provided on a free market for lack of individuals who would freely contract to pick up the tab. Actually, as Friedman points out, the tab would be quite low in geographical areas where the demands for drink, sex, drugs, etc., were small. So persons might be willing to support courts whose laws forbid drink, sex, drugs, etc., in those areas in return for the psychic benefit of keeping the countryside clean.

However, a court whose laws required *universal* cleanliness would, other things being equal, find itself without patrons. Defense agencies who committed themselves to the courts of puritanical law would incur much greater expenses than the defense agencies who committed themselves to the courts of geographically restricted puritanical law, and this would put the more puritanical defense agencies at a great competitive disadvantage in terms of the fees they would have to charge. Thus, insofar as people's desires not to be subject to certain laws does significantly increase the monetary costs of subjecting them to those particular laws, the persons with those desires will tend to be free from the application of those particular laws.

Second, the actual costs, to the patrons, of patronizing a particular court, would be high relative to the benefits which accrued to the patrons from the enforcement or attempted enforcement of that court's laws if nonpatrons would *inflict* high costs upon the patrons because of their patronage of this court. For instance, if defense agency A were to patronize a court whose law was that theft from persons who were not clients of defense agency A was legitimate, the nonclients of agency A would inflict high costs upon defense agency A, and directly or indirectly, upon the supporters of agency A.

In explaining the tendency for those who would be on the receiving end of victimless crime laws to be free of such laws under the anarcho-capitalist mechanism, Friedman says, "They [the would be victims] are willing to pay a much higher price to be left alone than anyone is willing to pay to push them around." (p. 174.) Actually, this remark is inappropriate to Friedman's discussion of victimless crime laws. For *those* cases illustrate how the high monetary cost for the would-be *enforcers* puts a damper on the generation of nonlibertarian law. In those cases, the would-be victims neither directly pay or bargain to be left alone, nor do they pay indirectly by hiring a larger defense agency than the one in the pay of the puritans. The claim, "They are willing to pay a much higher price to be left alone than anyone is willing to pay to push them around," would be more appropriate to the cases of would-be victims inflicting costs upon those who back certain victimizing laws. And Friedman does offer parallel claims in his discussion of the potential for Mafia defense agencies (p. 167):

> The victims of theft will be willing to pay more to be protected than the thieves will be able to steal (since stolen goods are worth less to the thief than to the victim). Therefore the non-

criminal protection agencies will find it profitable to spend more to defeat the criminal agency than the criminal agency could spend to defeat them.

It seems to me that the significant fact is that *if* the criminal agency goes into operation (perhaps with the approval of some private court), the agency (and its clients, and perhaps an approving private court) will have unacceptable (nonmonetary) costs inflicted upon them by the superior resources of the would-be victims. To summarize my construction of Friedman's points: those who would like victimless crime laws tend to be restricted by the costs of the (successful) enforcement of those laws, while those who would like the legality of theft, murder, etc., tend to be restricted by the costs of the (unsuccessful) attempts at enforcement of these laws. Of course, each manner of restriction may be a factor in the case of any specific law. Now, interesting as these arguments or suggestions are, they remain unsatisfactory on two counts.

LUDDITE TENDENCIES

The first problem is that it is not at all clear that Friedman has established that the operation of the machinery of freedom, even as we now understand it, would generate, or tend to generate, a legal system which was more libertarian than the one which confronts us today. After all, murder and theft which is not directed at supporting "vital public projects" is not *today* recognized as legal. One can easily imagine almost everyone, under anarcho-capitalist institutions, agreeing (as almost everyone agrees today) that for the support of "vital public projects" such as defense, health, welfare, education, transportation, etc., individuals should be taxed, pushed around, drafted, etc. And if almost everyone did agree to this, then the market would respond with laws that would be comparable to those we have today. It is far from obvious that if a particular state of public opinion were to be translated into law, through a market for laws and courts, a more libertarian legal system would result than would appear if that state of public opinion were to be translated into law through political institutions.

The second problem is that there seems to be an incompatibility between Friedman's emphasis on the bargaining which defense agencies would engage in to determine what courts will have jurisdiction over their clients and the view that the outcome of this bargaining will be a commitment to libertarian law. The problem involves what type of bargaining positions will be fed into the machinery of freedom. In Friedman's scenario the negotiating parties make no distinction between justified demands for laws and courts and unjustified demands. The demands which appear merely reflect the preferences of the various groups of clients without any distinction being made between those demands which would, for instance, require the violation of rights and those demands which require no such violation. It is clear from Friedman's discussions, especially his discussion of antiheroin laws (pp. 174-76), that Friedman fully realizes that nonlibertarian demands will come to the bargaining table. What I will argue is that insofar as the machinery of freedom in laws and courts includes bargaining tables of this sort—in effect, value-free bargaining tables—an antilibertarian tendency will be built into the operation of the machinery of freedom. I have two reasons for saying this:

(a) Consider the heroin example in which competitive pressures result in the patronage of courts which outlaw heroin in most areas but permit it, say, in New York City. Only courts which do not challenge those rules will survive competitively. All defense agencies will patronize one or another of the surviving courts of geographically-restricted antiheroin law. Thus, any individual who wants to be a client of a defense agency will have to sign a contract which (since the contract will specify the courts patronized by the defense agency) will involve the individual's granting his consent to the geographically-restricted antiheroin law. Now, in one sense, this is no worse than the fact that if I want to buy a copy of *THE MACHINERY OF FREEDOM* I have to buy a paperback copy. Those who produce the product that I want simply did not see fit to produce and offer hardbound copies. I have no just complaint in this case. The reason is that I have no moral claim to the possession of a hardbound copy of this book. But I *do* have a moral claim, *ceteris paribus,* not to be interfered with in my (possible) use of heroin. Within Friedman's value-free scenario this moral claim, and its corollary that any prohibition of heroin use is unjustified, are obscured. The demand for heroin prohibition is not identified as any less legitimate than the demand for heroin laissez-faire—and, in the absence of this comparative judgment, the compromise prohibition rule has the status of a rule to which everyone has consented. Having been consented to by all, the rule must be fair and proper. One could not say, while accepting Friedman's approach, that the believers in heroin laissez-faire were forced, through threats of complete prohibition, to accept the compromise prohibition rule—for the demand for complete prohibition is no less legitimate as a bargaining position than the demand of the laissez-faire advocates. In presenting these clashing demands, the two groups would be acting equally properly in the pursuit of their respective legal preferences.

(b) The nature of the value-free bargaining tables would tend, I think, to encourage the escalation of nonlibertarian demands. After all, what persons or defense agencies have to trade-off at the bargaining tables are concessions. The greater one's original demands, the greater the concessions one can make. Of course, some demands need not be taken too

seriously, for in one way or another, the cost of implementing those demands would be more than those who put forth the demands would actually be willing to bear. However, there will always be uncertainty about whether or not those who are making certain demands are willing to risk the costs of implementation. Suppose, for instance, that in the course of the heroin negotiations the puritanical defense agency escalates its demands. It announces its strong preference for alcohol prohibition. Now the agents of the more laissez-faire defense firm are not sure how strong this preference is. But it's worth something to them to eliminate the risk of "going to the mattresses" over the alcohol demand. What do they do? Either they agree to pay the puritanical agency a sum of money to withdraw this demand or they announce some escalation (and it needn't be a libertarian escalation) in their own demands with the hope of bargaining down the puritanical position. I submit that if we project this type of tendency in negotiations over the whole range of human activities which are conceivably subject to enforced rules, and if we remember that negotiations would be going on between a multitude of defense agencies, it is very hard to be optimistic about the libertarian quality of the resulting law.

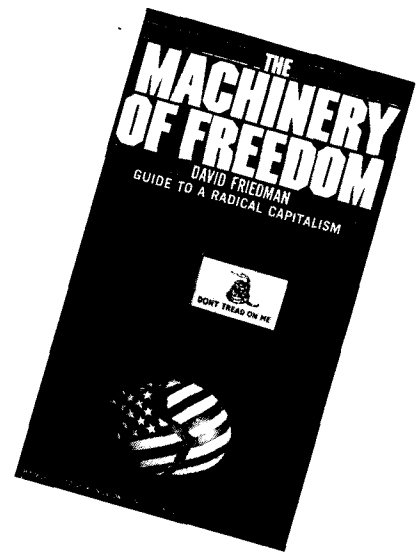
I conclude, then, that it seems unlikely that the operation of a market for laws and courts as such would produce, or significantly tend to produce, libertarian law. A scenario for the appearance of libertarian law which projects persons and defense agencies as the sources of, and the respondents to, demands for laws and courts, but as sources and respondents whose actions are *not* to be understood (within the scenario) as flowing, even partially, from libertarian judgments about the legitimacy or illegitimacy of demands, will not be a plausible scenario. Friedman does, sometimes, write as if he is taking what I have called the usual anarcho-capitalist approach, i.e., as if what are fed into the machinery of freedom are legitimate demands. For instance, he says at one point, (pp. 170-71),

> Under a system of private protection agencies, the actual agencies, like the ideal government, are merely acting as agents for willing clients who have employed the agencies to enforce their own rights. They claim no rights over nonclients other than the right to defend their clients against coercion—the same right every individual has. They do nothing that a private individual cannot do.

However, this passage is not compatible with Friedman's typical characterization of defense agencies and their demands.

I close this part of the discussion with an indication of another problem in Firedman's value-free conception of the market for laws and courts. What bothers me is an apparent incompatibility within the scenario that he presents. Within this scenario, persons recognize rights (especially the rights of property) or the value of freedom (especially the value of freedom of ownership and contract) to such an extent that private defense agencies can exist and enter into contracts with individuals and private courts. Yet it is suggested that we exclude persons' invocations of rights or the value of freedom from any role in explaining the appearance of laws in the society which is represented by the scenario. This methodological restriction seems not merely unnecessary, but also incompatible with the conception which Friedman invites us to entertain.

Friedman's attempt to show how a libertarian society would be, or would tend to be, produced by the operation of the machinery of freedom as such fails. But Friedman's failure falls into that class of noteworthy failures from which important lessons can be drawn. The key lesson is that one cannot give an account of the structure and working of a libertarian society without referring to the libertarian attitudes of the persons within that society and the effect of those attitudes upon their preferences and actions.



THE MACHINERY OF FREEDOM. By David Friedman. New York: Harper Colophon Books. 1973. 239 pp. $2.25 (paperback).

II. INTERLUDE: SOME VICES AND SOME VIRTUES

Among the vices: There is another philosophical problem in Friedman's book which is important to mention. Friedman joins a good number of other libertarians in attempting to use "property" or "ownership" in order to explicate "rights". Any such attempt is doomed to failure. Specifically, Friedman attempts to use "property" and/or "ownership" to explicate the meanings of "being left alone" and "being coerced," and in turn, he utilizes "being left alone" and "being coerced" in defining "rights" (p. xiv). This added step does not circumvent the

fundamental error in such an approach to the explication of "rights." For either "property" is defined as that which one has a *right* to control, or "property" is defined as that which one *does* control. If one's property is defined as that which one has a right to control, then "property" cannot be used to explicate "rights," for "rights" is being employed in the explication of "property." If, on the other hand, one's property is defined as that which one *does* control (cf. "Your property is that which you control the use of." p. 131), then "property" still cannot be used to explicate "rights"—for, on this definition of "property," no transfer of (control of) objects from person A to person B would ever involve B's taking over (control of) A's property. On this definition of "property," B's taking over (control of) an object makes that object *B's* property! Thus, on this definition of "property," there can be no such thing as the invasion of, or theft of, another person's property (even another person's property in his own body)—there can be no rights in any usual sense. Hence, if one's property is defined as that which one *does* control, "property" cannot be used to explicate "rights." Whether "property" is defined as that which one has a right to control or that which one does control, "property" cannot be utilized to explain the meaning of "rights." A parallel argument is easily constructed for "ownership." Q.E.D.

There are certain oddities within Friedman's discussion which I will merely take note of. There are the confused remarks in connection with the alleged belief, "in our hearts that there is only one good and that ideally everyone should pursue it." (p. 22.) And there is the argument centering on the claim that, "If we accept the concept of needs, we must also accept the appropriateness of having decisions concerning those needs made for us by someone else, mostly likely the government." (pp. 66-67.) And there is the confusion, common to many libertarians, between normative and descriptive laws (p. 163). Last, in his discussion of the liability of private protection agencies (and their operatives) for unintended harm or coercion (pp. 171-72), Friedman mistakenly assumes that persons are always liable for actions which are, after the fact, discovered to have been illegitimate. This is incorrect: there are such things as excuses.

Among the virtues: Friedman's book is replete with ingenious insights and points. These are, in fact, too numerous to indicate individually. Among the virtues of the book is an excellent discussion (pp. 3-14) of the role of property—private versus public—in determining the way decisions will be reached about the employment of scarce resources. Friedman is superb at tracing the counterintuitive consequences of various nonlibertarian policies, and at destroying antilibertarian socio-economic myths. (Cf. pp. 26-60, 133-38, 144-46, and 207-12.) Friedman's emphasis on bargaining between defense agencies to determine what court (or appeals court) will have jurisdiction is important to libertarian (and especially free market anarchist) theory.

The genuine importance of the discussion of bargaining can be appreciated in the light of a common libertarian error. It is commonly assumed by all varieties of libertarians that there is one ruling in any particular case which is demonstrably "the correct libertarian ruling." It is assumed that two rational and honest individuals (or groups of people, or organizations) who accept some basic libertarian principle of rights, or noncoercion, or nonaggression, will always, ultimately, agree on what is *the* proper ruling to be made in response to any particular accusation. This assumption is, unfortunately, mistaken. The application of basic libertarian principle(s) is a very complex matter, and the application may not, even in principle, yield any one particular judgment. For instance, to consider a simple case, what particular judgment follows from the application of libertarian principle(s) as to what ought to be done to, for, or with, this or that particular rapist? It seems that here, as in other types of cases, libertarian philosophical and legal reasoning can only set limits upon the range of morally permissible and/or morally appropriate responses to the criminal's action. Within that limited range, the demand for one response is just as legitimate as the demand for another. Typically we would expect the criminal to demand a less harsh response than that demanded by the victim. The possibility of a multiplicity of equally proper judgments is a problem for both the free market anarchist and the limited governmentalist. The limited governmentalist can tell us which of the equally proper judgments will be enforced, *viz.*, the judgment made by the government will be enforced. But the justice of this decision procedure is not obvious. The free market anarchist cannot tell us which of the equally proper judgments will be enforced. But he can point out that his system allows for a fair procedure for determining which of the judgments within the range of equally proper judgments will be applied. The procedure is that of bargaining between the interested defense agencies. Here, of course, the range of legitimate bargaining positions is seen as limited by libertarian principle(s). Thus, Friedman's emphasis on bargaining can be put to use as a supplement to the usual anarcho-capitalist conception of defense, laws, and courts. It is a supplement for which there is no counterpart (though a counterpart is needed) in the limited governmentalist conception of defense, laws, and courts.

Last, I recommend Friedman's "National Defense: The Hard Problem" (pp. 185-97) as an excellent, fairminded, and realistic (though, perhaps, overly pessimistic) look at the problem of providing defense against aggressor nations.

III. BAD LAWS AND PUBLIC GOODS

Friedman's last substantive chapter, "The Right Side of the Public Good Trap," strikes me as clever and important. What he does here (pp. 213-17) is to offer a political version of the public good

argument, and then uses that argument as a reason for preferring free market anarchism to limited governmentalism. According to Friedman, the problem for all defenders of political law and courts lies in the fact that, under a system of political determination of the law, good (i.e., libertarian) laws are public goods. That is, although the total benefits of good law may be greater than the total costs of implementation, it does not pay individuals to expend their political energies in support of such laws. An equal expenditure of energy directed toward the passage of some special interest legislation which would favor the acting individuals would yield higher benefits for those particular individuals. Thus, there is a natural, egoistically motivated, tendency for individuals to expend their political energies in support of special interest laws of the sort which would benefit them. Thus, there exists a tendency toward bad—i.e., nonlibertarian—laws.

> Even if I am just as willing to make money in a way that benefits others as in a way that harms them, the existence of governmental institutions makes it enormously easier for me to do the latter. The result is that in a society such as ours, in which most people would really rather produce than steal, we all spend a large part of our time using the laws to steal from each other. [215.]

As I understand Friedman, he is saying that this tendency toward true dog-eat-dogism is inherent in the nature of the political creation of law.

Up to this point Friedman's argument is clear, and his remarks constitute an important theory about all political processes. From this point, Friedman's argument is less clear. A summary of the whole argument runs,

> [P]ublic goods are underproduced, relative to private goods. Under the institutions of government, bad laws—laws that benefit special interests at the expense of the rest of us—are private goods (more precisely, they are more nearly private goods than good laws), and good laws, laws that benefit everyone—such as laws that leave people alone—are public goods. Under an anarchy good laws are private goods and bad laws, public goods. [p. 217.]

Thus, to add the *valid* conclusion, under institutions of government good laws are underproduced relative to bad laws, while under an anarchy bad laws are underproduced relative to good laws. The crucial premise for determining whether the total argument is *sound* is the claim that, "Under an anarchy good laws are private goods and bad laws, public goods."

Two paragraphs seem to be devoted to establishing this premise (p. 216). We must, I think, largely ignore Friedman's first remark that, "Since under the institutions I have described, each individual 'buys' his own law and gets the law he buys, law itself ceases to be a public good." (p. 216.) This remark is incompatible with Friedman's own crucial premise which states that under an anarchy bad laws *are* public goods. Further we must assume that by "under an anarchy" Friedman does not merely have in mind a free market in laws and courts. Rather, in this argument, he has in mind a free market in laws and courts which is guided by libertarian demands. Friedman says that "the people who defend the anarchist institutions" are "individual customers insisting on laws that leave them free to run their own lives" and "members of protection agencies protecting their clients from coercers" (p. 216). Thus, Friedman is hypothesizing an anarchy characterized by, at least, a fairly strong libertarian public opinion.

SOCIETAL INERTIA

Friedman's position, as I construct it, comes down to the claim that, comparing a society characterized by a market in laws and courts (and characterized by a fairly strong libertarian public opinion) and a society characterized by a limited government (and, to maintain the parallel, by a fairly strong libertarian public opinion), the former is more likely to *remain* libertarian than the latter. The reason is that it is more likely that in the limited government society particular individuals would find the relative benefits of pushing for improper laws (compared with the relative benefits of protecting the existing, legitimate, laws) to be high, while it is likely that in the anarcho-capitalist society particular individuals would find the relative costs of such antilibertarian activity to be high. The connection of this argument with the private versus public goods distinction lies in the fact that public goods are just those which it is relatively nonbeneficial for particular individuals to pursue, while private goods are just those which it is relatively beneficial for particular individuals to pursue. Thus, an alternative way of stating the reason for the greater libertarian stability of the anarcho-capitalist society would be: It is more likely that in the limited government society particular individuals would find improper laws to be private goods than it is likely that in the anarcho-capitalist society particular individuals would find improper laws to be private goods. This argument seems to me to be quite powerful. It deserves a place in the arsenal which the anarcho-capitalist deploys against the limited governmentalist.

I must add, in concluding my discussion of this argument, that Friedman's own defense of the premise that, "Under an anarchy good laws are private goods and bad laws, public goods" is unclear. Friedman says,

> [Under an anarchy] it is . . . the person who wishes to reintroduce government who is caught in the public good problem. He cannot abolish anarchy and reintroduce government for himself alone; he must do it for everyone or for no one. If he does it for everyone, he himself gets but a

tiny fraction of the "benefit" he expects the reintroduction of government to provide. [p. 216.]

By "reintroducing government" Friedman must have in mind reintroducing special interest, nonlibertarian, "bad" laws, for his goal is not to establish the unlikelihood, under anarcho-capitalism, of the reintroduction of government as such. Rather, his goal is to show the relative unlikelihood, under anarcho-capitalism, of the reintroduction of bad laws. Friedman's argument is that "government," i.e., bad laws, are less likely to be reintroduced under an anarchy than under a limited government because, under an anarchy, " government" would be a public good. The problem with this way of putting the argument is that it leaves the impression that "government" is a public good in the sense of being a good which does involve greater total benefits than total costs. And this view of "government," of course, contradicts the whole thrust of Friedman's position. What Friedman ought to do, when he rewrites this section, is to distinguish between the various senses of "public good" which populate his arguments. Sometimes, by "public good", he means a good which is desired by some persons but which it does not pay for them to pursue under the circumstances. And something can be a public good in this sense, and yet fail to be a public good in the more conventional sense—which Friedman sometimes employs—wherein the existence of a public good involves greater total benefits than total costs.

No one should infer from my remarks that I think *THE MACHINERY OF FREEDOM* is a bad book—I would not have written this analysis if I thought that. Original arguments are rare and delightful things, and *THE MACHINERY OF FREEDOM* has a very impressive and pleasing number of them. This is its major virtue. And this is why it strikes me as a pity that these arguments are not more fully, systematically, and self-critically, developed. Be that as it may, the original arguments and analytical forays are there. They are sufficient to make *THE MACHINERY OF FREEDOM* an important book. ◻

NOTES AND REFERENCES

[1] All page references given parenthetically are to *THE MACHINERY OF FREEDOM* (New York: Harper and Row 1973).

[2] Friedman claims that, "In principle, there could be a different court and a different set of law for every pair of protection agencies." (p. 159.) This is mistaken. Consider agencies A and B. There is no reason why there could not be one court (with its unique set of laws) which had jurisdiction over complaints made by clients of A against clients of B and another court (with *its* unique set of laws) which had jurisdiction over complaints made by clients of B against clients of A. Also, there could be a third court (with *its* unique laws) with jurisdiction over complaints by clients of A against other clients of A. Indeed, it should be clear that there could, in principle, be two courts for each pair of defense agencies plus a court for each agency which would be devoted to intra-agency disputes.

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In Search

by william stoddard

In *A THEORY OF JUSTICE,* John Rawls has attempted an ambitious task: the resurrection of natural law, natural rights, and natural justice, arrived at through a social contract formulation and based on a substantive theory of the good akin to that developed within the views of Aristotle. In my view, he has done a great deal in the development of this theory which can be of value to Objectivists and other libertarians.

Rawl's basic concern is to derive a concept of justice, and part one is essentially devoted to the basic outline of such a derivation. Rawls' starting point is a hypothetical general assembly of persons. Each is ignorant of everything about the status he will occupy in the society which will be judged by the principles derived, of his own heredity, and indeed of everything except those facts which apply to him by virtue of his existence as a human being. Rawls emphasizes that this is not intended to suggest that such an assembly ever in fact occurred. Rather, he uses the model to arrive at a concept of the common good[1] in the sense of that which is in the interest of every person as a person to see established in the structure of a society, within a minimal conception of the good as simply that which is appropriate to rational action by human agents. Within this position, he justifies adherence to justice by a principle of moral consistency[2]. This principle is that an individual can only serve his own good by acting within society on the principles which he wishes to see applied to his own treatment at the hands of other people. An equivalent is the Kantian formula, "Act so that you can will that the maxim of your actions should be followed by all rational beings," which has traditionally been very influential within the theory of justice-as-fairness. It is assumed, in other words, that it is in each person's interest to live in a society which lets him function in accord with his own proper human needs; that such a society does not exist if people do not respect its basic laws; and that people therefore will find it in their interest to act according to such laws, in order that such a society may exist. The hypothetical assembly is a concept which Rawls uses to make clear that he is not stating his version of justice so as to favor any special set of interests, but only so as to favor the interests of human beings as such, to make it socially possible for individuals to achieve their own interests.

EQUAL LIBERTY

The first principle of justice, according to Rawls, is equal liberty. This is stated in a way close to Spencer's Law[3]: Each person is to have the most extensive liberty which does not restrict the liberty of others. Rawls does not appear to adhere to the view that all property rights are a part of basic human liberty and well-being, as he does not specify laissez-faire as the application of this principle. His list includes the right to vote and to hold public office; freedom of judgment, speech and assembly; the right to hold personal property, including self-ownership; and freedom from arbitrary legal action. These are roughly equivalent to the traditional list assumed in American constitutional law. I shall comment later on the specifically political liberties, which have an ambiguous place in libertarian thought. All others can be given a definite place in libertarian social theory, and the mode of argument can be extended easily to strongly defined and fully extensive property rights. (Indeed, such an extension is very often made in libertarian writings[4].) Rawls' claim that equal liberty is directly justifiable within the theory of rational choice suggests that there may exist a source of rigorous justification for private property, given the argument from consistency, which is waiting to be drawn upon.

Rawls' second principle is that all inequalities should both serve the general interest and be attached to positions which are open to all. Now, this is, as Rawls himself notes, a source of ambiguity. Service to the general interest can be interpreted either as meaning the attainment of economic efficiency or Pareto optimality, i.e., of a rational allocation of goods and services[5], or as meaning that no one should have any advantages within the economy which are not beneficial to the poorest members of the society in that their abolition would leave this class of people worse off. This second interpretation, the difference principle, is in effect a legal concession to envy. Further, equal opportunity can mean either that one should be allowed to take any positions one can attain on one's merits as established without special intervention, or that one should have an enforceable right to such aid as will remove barriers imposed by one's social origins and class. Rawls argues for the second principle in each case, a system he calls the system of democratic equality.

Now, the first position in each case is the one traditionally associated with libertarianism, and indeed Rawls names it the system of natural liberty. This is the system which one will have to take if one assumes that welfare economics has no content other than the fact that free market pricing is in all cases optimal. Indeed, such writers as Rothbard would presumably argue that the principle of equal liberty, fully applied, would exclude such redistributive activities as are entailed by any system other than natural liberty, since these will always involve vio-

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# of Justice

lations of property rights. Rothbard would further argue, as Rawls would not, that such concepts as imperfect competition, externalities, and so on do not provide significant bases for any critique of free market economics, and indeed can only arise in a harmful form through governmental infringement of equal liberty. Thus, Rothbard and those who agree with his economics will necessarily take the position that natural liberty is the only valid system, and will interpret it so as to exclude any legal interference with freedom of exchange and production. Rawls discusses economic systems at some length, but I shall not go over this matter further. From a laissez-faire viewpoint, this part of the book is its weakest.

In the second part of his book, Rawls discusses institutions—government, the economic system, and the obligation of citizens to obey the law, of which I shall comment on the first and third. Rawls specifies, first, a four-stage procedure for government: definition of justice; definition of a constitution in accord with the particular nature of the society in question, so arranged as to provide equal liberty; legislation serving to enforce the second principle; and fair administration of the laws. Of course, if one assumes that the second principle is redundant, one will either have to severely limit the legislature's role or eliminate it completely. The legislature might serve to choose methods for better carrying out equal liberty, or define extensions of the concepts subsumed under that heading. On the other hand, one might abandon legislation entirely. This question is related to the problem of political liberty, or the right of the citizen to vote and run for office. Rawls quotes the view of Constant that freedom of the person should always override political liberty, but makes no attempt to arrive at a position.

This is, in essence, the problem of republican and democratic constitutions. Presumably, a purely republican constitution would have no amendment of laws except by unanimous consent, while a purely democratic one would allow any law to be overridden by a simple majority[6]. Democracy is said to have at least three possible virtues: it educates people in a sense of political responsibility, it allows pooling of knowledge on many issues, and it aids the attainment of government by "consent of the governed." On the other hand, knowledge might well be pooled by simple free discussion, and it is doubtful whether political activity does let people hear all sides, even if publicly funded as Rawls suggests (it seems possible that this might even let the government discriminate among views more than otherwise). Political responsibility, further, might seem better served by a decent tendency to go about one's affairs and not rush about having views on questions which are in fact others' private business. As for the consent of the governed, can a man be held to have consented to a government when he has never signed any contract making it *his* government? The right of secession would seem a better safeguard for liberty, especially if every individual person were to possess it on his own behalf. If one does not grant this right, then one would seem to have removed a key safeguard for liberty, by allowing a government to exact the abandonment of property as the price for its withdrawal from one's affairs.

VALUE OF CIVIL DISOBEDIENCE

Rawls recognizes that political liberty and democratic government are at best unreliable as a means of securing justice. He therefore suggests that just as constitutional guarantees of liberties were advances over the Medieval concept of natural law in that they institutionalized a check on unjust government, so a clear theory of civil disobedience, conscientious refusal, and the right of armed rebellion is potentially of crucial value in placing a check on governments which fail to check themselves. The theory of secession could be placed, presumably, between the last two, if it were to be defined. The position is that all persons, in assuming liberty of action, assume also an obligation to be just, but that they retain the right to refuse compliance to an unjust regime, under definable conditions. In Rawls' words, "Given the often predatory aims of state power ... a general willingness to resist the state's claims is all the more necessary."[7] Anarchists such as Rothbard would change "often" to "always"; but, even as it stands, the statement is one which expresses a general sentiment implicit in libertarianism.

The third part of the book is a discussion of the wider background of Rawls' views: a theory of the nature of ethics in general. Rawls does not consider ethical principles to be a priori; but he does regard them as subject to rational definition, and indeed he equates the good with rationality, in a certain sense. For Rawls, essentially, anything is good when it serves its natural function well. Plans as to what one shall do with one's life, hierarchically organized, have a natural function: that of organizing one's tastes and drives according to certain systematic procedures. The good is that which a rational agent will seek, given consideration of all relevant factors.

There are several criteria of rationality. The most important, and the most interesting, is the Aristotelian Principle: that, all else being equal, a rational being will enjoy the fullest and most discriminating exercise of its powers, that individuals do not gain value only from reduction of drives but from creativity as well. This principle appears to have not

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A THEORY OF JUSTICE. By John Rawls. Cambridge: The Belknap Press of Harvard University Press. 1971. 605 pp. $4.95.

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merely respectable philosophical ancestry, but excellent biological and psychological corroboration[8]. Rawls seeks to derive his theory of justice by arguing that just institutions are those which allow creativity to all people. He then defines right conduct as that which is consistent with maintaining a just society's continuing existence, and states that a person is good insofar as he acts so as to give other people the conditions, both in terms of liberty of action and in terms of general respect for human dignity, which are suited to this, and so as to further his own good within this set of limits. According to his account, self-esteem is the recognition that one has attained what is good in these two senses: what is primarily good, leading to efficacy, and what is good as a manifestation of justice and benevolence, leading to worth.

Finally, Rawls devotes two chapters to discussing the moral psychology of justice. In his understanding, justice depends essentially on reciprocity, or willingness to deal with others as equals. He suggests that this principle is in fact beneficial to the development even of such social cooperation as takes place among animals, in some degree, and thus is biologically innate to some degree in human beings, having been selected for as a survival trait. Further, he argues that willingness to deal with others on such a basis is in fact necessary to the development of a rational plan of life, and in particular to action within the Aristotelian principle. Insofar as people have innate tendencies to follow this principle, they will value reciprocity. According to Rawls, individuals in a just society will go through three main stages: morality of authority, in which the child is well treated by his parents and thus desires to be well thought of by them; morality of association, in which a person has formed good relationships within some social group or several such groups, and desires to attain the moral excellence prized within these groups; and morality of principle, in which a person has interacted well with a number of groups, and therefore has raised the principle of reciprocity to the status of a universal policy, one which gives rise to justice and to natural rights.

In Rand's view, a just society must involve those attitudes of general mutual respect which will give rise to such feelings, or it will be unstable. However, granting that a society is already just, Rawls believes that it will almost certainly be stable as a just society, though subject to change in other respects. Human rights are a key part of this stability, but so is possession of a firm ground for belief in human moral worth.

INDIVIDUALISM OR COLLECTIVISM?

My own doubts as to Rawls' mode of argument arise mainly from his use of a version of the argument from consistency, for this amounts to treating justice as something which is a collective good. But, in my interpretation, von Mises has demonstrated that no collective good can ever be rationally or efficiently produced, and that production of any such good entails arbitrary subjection to authority, which, of course, is a denial of Rawls' Aristotelian Principle. Now, if the Aristotelian Principle is indeed valid, then people will spontaneously desire to gain rights of various kinds—guarantees of immunity in the enjoyment of various goods—and will pay for them, allowing individualized production of the goods in question. Further, if the principle of reciprocity is indeed a useful way of increasing the efficiency of transactions within a social group, the agencies which produced such rights would tend to develop uniform approaches to their enterprises, simply by the nature of market processes. Finally, if personal relations can be more consistent with the Aristotelian Principle when individuals adhere to some form of reciprocity, then they should in fact tend to be governed by it, since people would gradually come to value others' well-being as a means to their own greater fulfillment and could most economically maintain it by some form of reciprocity.

Despite these problems, I have learned a great deal from Rawls, and been enabled to make my own views more definite and coherent; I think libertarians in general will learn just as much, and face fewer disagreements, as well as getting in touch with certain philosophical trends whose presence will be greatly encouraging to them. Rawls' argument might well furnish a model for a systematic account of natural-rights libertarianism. ◻

NOTES AND REFERENCES

[1] For related discussion see two papers by Tibor Machan: "A Rationale for Human Rights", in *THE PERSONALIST,* Spring 1971, p. 216, and "The Public Interest—Fact or Fraud?" in *REASON,* May 1972, p. 4.

[2] For a parallel argument, see Nathaniel Branden's essay, "Counterfeit Individualism," in Ayn Rand's *THE VIRTUE OF SELFISHNESS.*

[3] See Herbert Spencer, *SOCIAL STATICS.*

[4] See R. A. Childs, "Anarchism and Justice", published in *THE INDIVIDUALIST,* May 1971 (and later issues, but this is where the main discussion of these issues can be found); Murray N. Rothbard, *POWER AND MARKET;* Herbert Spencer, *Op. cit.*

[5] See Murray N. Rothbard, "Toward a Reconstruction of Utility and Welfare Economics," in M. Sennholz, *ON FREEDOM AND FREE ENTERPRISE.*

[6] My thanks to Richard M. Robinson for elucidating this point in discussion.

[7] Rawls, p. 382.

[8] See Arthur Koestler's *THE ACT OF CREATION.*

From the poem RAIN
(STANZA ONE)

Long as unending threads, the long-drawn rain
Interminably, with its nails of grey,
Athwart the dull grey day,
Rakes the green window pane—
So infinitely, endlessly, the rain,
The long, long rain,
The rain.

Emile Uerhaeren

DREGS

The fire is out, and spent the warmth thereof,
(This is the end of every song man sings!)
The golden wine is drunk, the dregs remain,
Bitter as wormwood and as salt as pain;
And health and hope have gone the way of love
Into the dear oblivion of lost things.
Ghosts go along with us until the end.
This was a mistress, this, perhaps, a friend.
With pale, indifferent eyes, we sit and wait
For the dropt curtain and the closing gate:
This is the end of all the songs man sings.

Ernest Dowson

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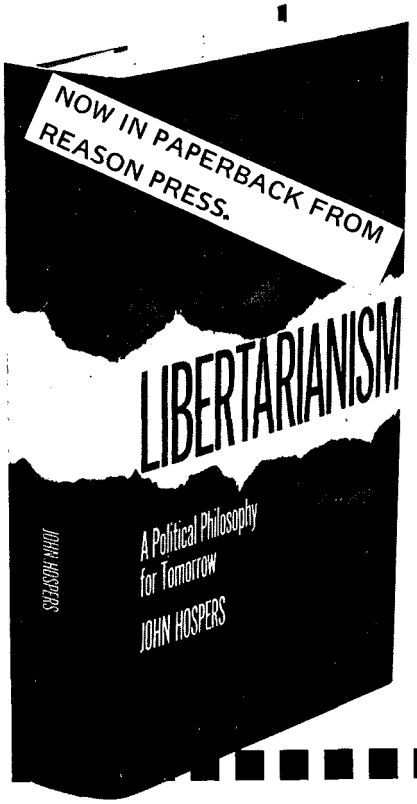

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by ralph raico

Given the experience the world has had of injustice and brutality since 1914—Stalin, Hitler, wars involving the systematic killing of noncombatants, any number of oppressive political regimes—astonishment has often been expressed at the punctilious regard for justice sometimes shown by wide circles in Western countries before the First World War. The classic instance of this is the case of Alfred Dreyfus, which almost tore French society apart in the years around the turn of the century. When one considers what was involved—the unjust imprisonment of a single individual—one wonders how the sort of conscience that could not rest until that legal crime was undone would deal with the ubiquitous suppression of individual rights of our own time.

It is within this context that one must appreciate the work of Thomas Szasz. No one in the world has done as much to combat the form of naked aggression against and systematic degradation of persons known as "involuntary mental hospitalization"; here, he is our Voltaire, he is our Zola. When we combine with this deadly-serious commitment to human dignity what is, in my view, one of the very best minds currently being applied to social questions in the United States, and when, to top it all, Szasz turns out to be a libertarian, strongly influenced by Mises, Hayek and Popper, we clearly have a phenomenon on the intellectual scene of the first magnitude of importance.

MENTAL ILLNESS OR UNDESIRABLE VALUES?

There is no space here to summarize for the reader who may be unfamiliar with it Szasz's pioneer work in demolishing the medical model of emotional problems ("neurosis") and of madness ("psychosis"); in this connection, the reader is advised to refer to Szasz's earlier works, particularly *THE MYTH OF MENTAL ILLNESS, THE MANUFACTURE OF MADNESS* and *IDEOLOGY AND INSANITY* (all available in paperback). For my part, I find at this point that a good deal of what Szasz asserts in this regard is simply self-evident. Consider a few contrasting pairs of claims: (a) that wanting to kill off one's family is a sign of mental illness, but wanting to kill off the American capitalist class of maybe ten million people is not; (b) that homosexuality is a mental disorder, but celibacy is not; (c) that the notion that God has made you infallible is an indication of mental illness, but the notion that He has made a certain Italian infallible is not. Isn't it obvious that in these cases the distinction between the first and second of these pairs has nothing to do with "illness" or "health," but rather with *values* judged to be desirable or undesirable, acceptable or unacceptable? (If you are a libertarian and a rationalist, must you believe that anyone who closes his mind to *obvious* truths about socialism vs. capitalism, or anyone who believes in the real existence of angels, miracles, etc., is "sick"?) But that means that the medical model permits psychiatrists—of all people!—to set themselves up as *judges of values,* under the guise of being medical men who are merely dealing with human health and disease. This is the theoretical aspect of the problem, the practical application of which consists in imprisoning tens of thousands of "diseased" individuals in mental hospitals.

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THE SECOND SIN. By Thomas S. Szasz. Garden City: Doubleday. 1973. 144 pp. $2.95 (paperback).
THE AGE OF MADNESS. By Thomas S. Szasz. Garden City: Doubleday. 1973. 400 pp. $2.95 (pb).

But, as indicated, for the reader to whom this perspective is altogether new, the best thing to do would be to acquaint himself with Szasz's more systematic earlier books. The purpose of this review is rather to consider two spin-offs of Szasz's main work: the first, a collection of thoughts and apothegms, a kind of *PHILOSOPHICAL DICTIONARY,* a la Voltaire, *THE SECOND SIN;* the second, an anthology of texts on the growth of psychiatric power in modern society, *THE AGE OF MADNESS.*

THE AGE OF MADNESS consists of a selection of fictional and nonfictional treatments of psychiatric cases, ranging from Defoe in the seventeenth century to very recent times. It includes a somewhat abirdged version of Chekhov's masterful story, "Ward No. 6," itself almost enough to clarify fully the whole business whereby certain individuals fall victim to social definitions of insanity and pay the penalty of having their lives torn to pieces. Other selections illustrate how, at various times, the stigma of "mental illness" has been applied to denigrate believers in democracy (unsurprisingly, it was in a thesis at the University of Berlin in the middle of the nineteenth century), free blacks in pre-Civil War days (they turned out to be much more frequently diagnosed as mentally ill than enslaved Negroes), and,

in a celebrated case, a certain Austrian lady at the turn of the century, who manifested her mental illness by preferring a lover to her husband, who had been certified as utterly devoted and without reproach by the Viennese psychiatric establishment (this is presented in selections from the famous Austrian maverick journalist Karl Kraus). Not the least illuminating are the four or five contributions by writers who either had themselves been subjected to psychiatric tortures such as electro-shock or who have imaginatively recreated such situations. To be made to understand what it means to live in fear of "the Machine," how it demeans a person—how every detail and every little action on the part of the authority-figures involved becomes a problem to cope with, a possible source of terror—is a revelation, not only in connection with psychiatric prisoners, but also with all those who fall into the hands of the various institutions which are permitted to use force against human beings.

SOCIAL SCIENCE JARGON

The transgression referred to in the title of *THE SECOND SIN* is, simply, *speaking clearly.* (Szasz is alluding to the stories in Genesis, where the first, Garden-of-Eden sin was the acquisition of the knowledge of good and evil. The next time the wrath of God exploded it was upon the builders of the Tower of Babel, whom He caused to speak in confused tongues.) Correct reasoning on questions of human interrelationships is rendered almost impossible by the grotesque vocabulary and rhetoric—the sort of thing that might be produced by a not-very-bright and hopelessly pedantic robot—prevalent in the "social sciences." As a replacement, Szasz suggests a "fresh commitment to the conventional, disciplined and artistic use of the language of the educated layman" in dealing with these problems. The whole book is an illustration of how this can be done.

The substitution of ordinary language for scientistic jargon in treating of human affairs is one part of the process of rejecting positivism which, while more or less latent in Szasz's earlier works, finds its culmination here. There are well-directed barbs at intelligence and projective personality tests; and the author finally pronounces the judgment that has been implicit in much of his previous thinking: "There is no psychology; there is only biography and autobiography." If, perchance, the reader finds himself or herself in the position of this reviewer, of practically having been weaned on "psychological" ways of looking on oneself and on others; if he or she finds a tissue of pseudo-explanatory concepts and notions again and again obscuring perceptions of one's own self and of others; if he or she has fallen into the habit of seeing reality through the value-loaded categories invented by certain very bright intellectuals in Vienna, Zurich and Budapest in the earlier part of this century—then my guess is that such a judgment as Szasz's, with the reasoning behind it, will be experienced as genuinely liberating.

With a book like *THE SECOND SIN* the temptation is very great to end a review by citing a few of the reviewer's favorites from among the thoughts that make it up. A stern self-discipline leads me to limit these to the following three, which will serve to give a taste of what is to be found in this very fine book:

In the animal kingdom, the rule is, eat or be eaten; in the human kingdom, define or be defined.

When a man has sexual relations with many women, psychoanalysts say he has a Don Juan complex which signifies latent homosexuality. But when a man has sexual relations with many men, psychoanalysts do not say he has an Oscar Wilde complex which signifies latent heterosexuality. In short, the psychoanalytic vocabulary is rich in images and terms that demean and invalidate, and poor in those that dignify and validate.

Clear thinking requires courage rather than intelligence. ◻

YOU ARE

cool beneath a veil of fern;
the underwing of a timid bird;
a fish that lurks the sheltering rock;
spreading rings of an elm;
a snake— sipping rain from moss.

Reluctantly,
Your words creep out in my hand.
I examine subtle meanings, wondering
why it slips away, like ants across my palm.

You are guileless, innocent
as berry. Open as blowing fields.

Soft rain on the lips of stone;
snow upon the last red rose.
Perhaps some day I shall know you.

Wendy McElroy

THE NEW EPICUREANS

by john hospers

Epicurus, the ancient Roman philosopher, set forth a plan of life which had great appeal to his contemporaries. You can't depend on the outside world, he said, if you try to change it, you will inevitably fail. You can't even depend on other people very much. So, if you want your happiness to be secure, live your life in such a way that your happiness doesn't depend on people or things in the outside world. Your happiness should never depend on anything that is not *within your control*—this was Epicurus' basic precept. You can enjoy the pleasures of good food, good companionship, and even love and passion, *if* you don't get so hooked on these things that you can't do without them, but *never* if doing without them causes you grief. The sources of your happiness should not be vulnerable to actions of others.

No one could live this completely, of course. Even if you take great precautions with your health, pain will sometimes come; and in the midst of a severe toothache it's difficult or impossible to be really happy. And it's hard not to want to love someone enough so that you would feel devastated if the loved one died or left you. Still, the Epicurean ethic was appealing, as it always is, in a time of social instability, when you can't count on much in the world around you, and so in self-defense you draw in your horns and try to be entirely sufficient unto yourself. Then the misfortunes that devastate others won't affect you—you can be serenely independent of them.

Harry Browne is in many ways a modern-day Epicurean. "You can't change the fate of a nation," he says (p. 106), "but you can do a great deal to make sure you're not affected adversely by it. What you have to do is simply part of the price you pay to get what you want in life. And it's always a far less expensive price than you'd have to pay to undertake a social change of any kind." These are sentiments that could have been right out of Epicurus. If you try to change the world, says Browne, you'll just butt your head against a stone wall. Don't try to change the government, says Browne, like Epicurus before him, or even try to replace bad office-holders with good ones (such as yourself); people are going to keep on doing *their* thing, not *your* thing, just as you will keep on doing yours, not theirs; and it's virtually impossible single-handedly to change any institutions, so don't frustrate yourself by trying. Get married if you must, but be aware of the dangers. Epicurus had said this too: by loving you are sticking your neck into a noose which someone else may pull, so don't do it, or if you must, always be detached enough to pull out when you smell danger.

Like Epicurus, Browne's view has many features dear to libertarians: a deep and abiding distrust of government; a detachment from most social institutions; a rigorous dedication to honesty in one's dealing with others; an emphasis on self-reliance rather than relying upon others; an ethics of enlightened self-interest; a rugged individualism, and the fundamental conviction that each person is the sovereign ruler of his own life.

Epicurus had a point, but it is doubtful that he was entirely right. Perhaps most people are happier in the long run getting out on a limb, in spite of all the risks, than never taking risks at all: perhaps 'tis better to have loved and lost than never to have loved at all. Perhaps Epicurus' recommended way of life just cut him off from people more than most human natures can bear. And it *is* possible—sometimes—to change institutions; at least some people, such as Lenin, succeeded beyond their wildest dreams in doing just that. Institutions do change with time, and what brings these changes about if not the actions of human beings? (And if good people don't try to bring the changes about, then bad people surely will.)

At any rate, Harry Browne appears to make some mistakes that Epicurus didn't. For example:

☐ He assumes throughout, without arguing the case, that psychological egoism is true. Psychological egoism is the view that every person always acts for his own self-interest (either long-term or short-term)—at least what he *thinks* will be to his interest at the time he does it. People will always do what they think is best for *them,* Browne says—and by "best for them" he means "will make them happiest."

HOW I FOUND FREEDOM IN AN UNFREE WORLD. By Harry Browne. New York: Macmillan. 1973. 374 pp. $7.95.

But most modern philosophers and psychologists haven't found this to be true: some people, at least some of the time, don't act that way; some people act in such a way as to make themselves miserable, even knowing pretty well at the time that what they are doing will have this effect; they do it either through force of habit or because they are psychic masochists (they act as if they want a kick in the teeth every day, and if the outside world doesn't administer the kick, they will, unconsciously, administer it to themselves). Or again, altruists serve the interests (real or apparent) of other people, even

when this means that they themselves will be unhappy, sick, or dead as a result; for example, the missionary ministers to a sick native even knowing when he does it that it's likely that he himself will catch the fatal disease and die. In fact, there wouldn't be any point in *advising* other people to adopt a policy of following their own interest if it were psychologically impossible for them to do anything else. If you *should* act in a certain way, the "should" has no force unless it is possible *not* to act in that way.

The statement "Everyone always acts to further his own interest," and the similar statement "Everyone always does what he really wants" (which doesn't mean the same—the actions that will promote your interest in the long run, such as getting rid of your alcoholism, may not be what you *want* to do), can be rendered immune from falsification only by adopting an old semantic trick: turning it into a tautology, and thus making it trivial. If the sole criterion for determining what you *want* is what you *do,* then you can say "X is what he did, therefore X is what he really wanted to do." But if *that's* all you mean by wanting to do something, the statement "People always do what they want" reduces to the tautology "People always do what they do"—which, while true, is utterly trivial and uninformative. In the *ordinary* everyday sense of "want," we all do lots of things we don't want; I don't *want* to wash the dishes, but I do it anyway. To say that everything you do is what you really want to do, is simply false in the ordinary sense, and one can make it true only by switching meanings—a semantic trick that is familiar to every student of elementary logic.

□ It's true, of course, that an individual can't usually change other people's motivations and ways of reacting to things, except negligibly; those who go into marriage with missionary zeal, to change the partner, emerge from the experience disappointed and embittered. Even less can one person change whole masses of people, society. But a person needn't always act alone. An individual can band together with like-minded individuals and often accomplish a great deal that he could never accomplish alone. He alone can't put the corrupt politician out of office, but if lots of inflamed voters get together, they can—it's been done. He alone can't solve the pollution problem, but lots of people working toward its solution while practicing nonpollution themselves as far as they are able, can make a lot of difference. Browne doesn't explicitly deny this, but he doesn't appear to take it into consideration either: when he says that you should limit yourself to what *you* can do, the "you" seems never to be plural. Yet the fact is that lots of changes, even of long-established institutions, can be made by combined voluntary efforts. To say that you should go your own way and ignore them without ever trying to change them is the counsel of despair (as it was in the case of Epicurus); the result of practicing this on a wide scale is that changes for the better that might have been made will not be made.

□ Nobody else can decide for you what is moral, says Browne: "Right is what will bring you happiness. And wrong is what will cause you unhappiness. The same definitions apply to the words good and bad" (p. 43). The words "right" and "wrong" primarily apply to actions, whereas "good" and "bad" apply to lots of other things: good intentions, good motives, good ends, good persons (not right persons). But apart from this terminological point, Browne's definition has some curious consequences. If safecracking is the only thing that really makes me happy, if I am simply bored by everything else but fascinated by that, well then it would be right (for me) to do it; and I suppose that if the thing that makes me happier than anything else is axe-murdering, then that too would be right for me to do. In drawing that conclusion I'm simply using Browne's definition, exactly as he states it. He doesn't add any such qualifications as "unless what makes you happy violates the rights of others"; he just says flat out that whatever makes you happy is right, period. (Of course he might then try to prove that nobody can ever be happy by coercing others or otherwise violating their rights: but to prove that *this* holds true of all people all of the time, would be, in *THE NEW YORKER'S* phrase, the "neatest trick of the week," and, in any case, Browne never tries to prove it.)

At the same time, he doesn't seem to be consistent at all points with his own definition. When he is discussing the importance of being completely honest with everyone you deal with, he cites the example of the girlfriend who used a device to cheat the telephone company (pp. 271-72), and Browne concludes that this is dishonesty on her part, and accordingly condemns her for doing it. But according to his own definition, it would be right for her to do it as long as it made her happy (or happier than doing the alternative acts open to her), in spite of *his* believing that it is wrong. (Browne's definition of "good" is somewhat reminiscent of Ernest Hemingway's: "What's good is what I feel good after and what's bad is what I feel bad after.")

□ Among the many other points which I'd like to mention if I had space, this one is, I think, the most important: it concerns his definition of freedom. "Freedom," he says again and again, "is the opportunity to live your life as you want to live it." But he later observes (p. 151) that "the opportunity has always been there—you just haven't taken advantage of it," so he drops the word "opportunity" from the definition, and says simply, "Freedom is living your life as you want to live it."

Now, this is not the way "freedom" is usually defined; ordinarily, freedom means the absence of coercion. Being free, in ordinary discourse, means the opposite of being forced. The slave is not free; the citizen living under the lash of a tyrant is not free; but the hermit in the woods may well be

free—he may not have some of the things he wants, but nobody is forcing him, and he's living according to his chosen life style.

It isn't a mistake—merely *confusing,* if one isn't aware of what the author is doing—to use a word differently from the way most other people use it. So let's take his definition. Freedom, he says, means living your life as you want to live it. And one judges from the whole tenor of the book that he thinks this is possible for everyone: his book is supposed to be a recipe for doing just that. Now let's remember that he also says that one shouldn't concern oneself with what isn't within one's own power—that trying to change other people or society is hopeless and you should rely on what *you* (singly) can do. But now *what if living your life as you want to live it involves something that isn't within your power?* Well then, it would seem, you can't be free, and then in those cases the recipe of the book won't work. Let's say that you want to spend the money you've earned as you see fit, not as the officials of government see fit; you don't want to shell out 70% of your income to the state; but under present conditions, if you don't do it you risk fine and imprisonment. (Browne believes there are always ways around this, but this is a dubious point—lots of people would like to know how! And "always" is a big word.) This situation has not been created by you: you are the victim of it. And yet if you want more than anything else to live by your own decisions, and the government increasingly keeps you from being able to do this—most of all if you're a Jew in Nazi Germany or a political dissident in Soviet Russia—well then you can't be free, not even by a policy of total self-reliance.

Or suppose that the way you want most of all to live is the way the Indians lived, roaming the plains, hunting buffalo, going hundreds of miles without encountering other human beings. Freedom is living your life as you want to live it, and that's the way you want to live it. But you can't; it's more than a hundred years too late for that. So what follows? You can't be free. Fine, one might say; such a person indeed cannot be free. But then what happened to the thesis of Browne's recipe-book for freedom, that one *can* always have freedom in an unfree world?

The next move one might make is to say that one shouldn't want to live in such a way, especially knowing that it's now impossible. If reality thwarts your desires, don't try to change reality, just pare down your desires. That's what Epicurus advised. But some desires, especially if they are very strong and very long-lasting, are difficult or impossible to get rid of; and then, by Browne's definition of freedom, you still wouldn't be free. And even if you can get rid of them to some degree, what you have to settle for may be a pale tenth-best—and are you free then? Epicurus was at least consistent (though perhaps unduly optimistic about people's abilities to change their natures) in saying that freedom consists of being *released* from the treadmill of desires. But this option is not open to Browne, who says that freedom consists in *fulfilling* one's desire, that is, living your life as you *want* to live it. If you're stuck with that definition, it's tough for your freedom if what you want most is something that isn't within your own power to achieve. And can anyone doubt that for many people this is exactly the situation in which they find themselves?

The moral here is that it is better to stick to the time-honored definition of **freedom as noncoercion.** You can still be free though unhappy, you can still be free with your fundamental desires unfulfilled; to be free means only that *one* main source of unhappiness, the coercive acts of others, is not present. Freedom is not all good things, it is only one good thing. And one should keep it clearly distinct from something as broad and general as satisfying one's desires, or living life as one wants to live it. These are great goals, but they are not identical with freedom; freedom is not those things, but a *necessary condition* for the achievement of those things.

The semantic trap into which Browne has fallen here is, ironically, the same one that the socialists fell into in talking about freedom. Freedom, they said, is not the absence of coercion (under limited government and laissez faire); no, freedom is having what you want, and if you want new cars and television sets and haven't the money to buy them, then you should get that money from the state: the state can insure your freedom, because the money given you by the state can get you what you want. What the socialists did was to scrap the old definition of freedom as noncoercion and substitute a new one, freedom as power or ability. And this led millions of people to agitate for a guaranteed income, having been told that if they didn't get what they wanted they weren't free.

Browne is the opposite of a socialist, and yet his argument appears to be tarred with that same brush. Freedom as noncoercion is a thousand light-years away from freedom as power or ability. "It is true," says F. A. Hayek in his *CONSTITUTION OF LIBERTY* (p. 18), "that to be free may mean freedom to starve, to make costly mistakes, or to run mortal risks. In the sense in which we use the term, the penniless vagabond who lives precariously by constant improvization is indeed freer than the conscripted soldier with all his security and relative comfort. But if liberty may therefore not always seem preferable to other goods, it is a distinctive good that needs a distinctive name." Accordingly, Hayek concludes "it is questionable whether the use of the word 'liberty' in the sense of 'power' should be tolerated."

* * *

My remarks, I fear, have been primarily of a negative character. They had to be so, if the slipshod arguments and outright mistakes in the book were to be exposed. Yet there is much in the book that is valuable to the general reader and to the

libertarian in particular. There is, of course, a sound and healthy concern with one's own long-range interests, which immediately sets the book apart from those other recipe-books which would immolate the reader on the sacrificial altar of altruism. There is also a good deal of sound antigovernment talk about how various problems can best be solved without the interference of the state; and this, while familiar enough to libertarians, should hit the general reader squarely between the eyes if he really pays careful attention to what Browne says—hopefully these short sections of the book will awaken statist readers from their dogmatic slumbers. And best of all, the tone of the book is upbeat, positive, and exhilarating, like a strong fresh breeze from the ocean on a hot, muggy day. It will help to carry any reader who is style-conscious through many a discouraging experience, such as reading the daily headlines. The pity is that such a positive prolife attitude, manifested in a writing style of such verve and vigor, occurs in a book which is so heavily marred by dubious points and fallacious arguments. ◻

(continued from page 8)

My own response to the wildlife case would be briefly as follows: with all land privately owned, many people will be interested in preserving wildlife. What's to prevent them from growing the species themselves on their own property? Then anyone else who enters upon that property, for purposes of hunting or anything else, will be a trespasser on that property, and subject to the prosecution in the courts. Do you want to preserve beavers? Raise them yourself, and prosecute anyone who tries to hunt them on your land. There is more of a problem with migratory animals, since they will leave your land and enter land belonging to others, who may then shoot them down. But how else could it be, since I have no authority to tell you what to do on your property?

In any case, in a country with more than 200 million people in it, you can't have millions of roaming buffalo as you could in the days of the Indians; "there ain't no way." The case of birds, especially migratory birds, presents more of a problem; you can protect them only as long as they nest on (or fly above) your own land. Many other property owners will protect them as you do; but some won't, and then the creatures on or above such property may get killed. However, a person wealthy enough and concerned enough to buy the Canadian lands which are nesting grounds for the whooping crane, will probably find that many (though not all) of them survive their long journey to return to their nesting place, which he (since it is on his property) is in a position to protect, and this in spite of the seemingly monomaniacal passion for extensive travel possessed by these birds. (There is also the question of how far above your land your property rights extend. In Los Angeles, you are legal owner of anything up to 60 feet above your property; but I can think of no acceptable moral principle from which this figure follows.)

4. More clearly, in line with his views as to what should constitute a crime, Taylor believes that the state should be the arbiter of disputes—and that taxation of citizens for this purpose, and the other purposes of government which he considers legitimate, is perfectly justified. If my neighbor has killed my cattle and thus reduced me to poverty, he says, I can do one of three things: (a) I can guard my resentment and do nothing overtly at all; (b) I can assault him and try to take revenge on him or perhaps just recover the damage in some way; or (c) I can sue him for the recovery of the damage. Obviously, he says, the third is the sanest of the three courses of action—and it requires the existence of the state.

Since Taylor believes that anarchy will work only in small units, such as the family and small communes in which people know each other personally and are sympathetic to one another's purposes (Chapter 7), it is clear that he does not believe anarchy will work in a unit consisting of millions of people. But he never refers to any recent anarchist literature, so it is not clear what he would think if he had been acquainted with the concept of arbitration agencies (private courts), defense agencies, and so on. Apparently the possibility of all this has not occurred to him. Limited-government libertarians of course will agree with him on the need for the state to arbitrate disputes, and anarchist libertarians will say that the same purpose (rational arbitration of disputes) can be effectively provided for by a system of private competing courts. Since this dispute has been aired pro and con *ad nauseam* by numerous libertarians, I shall say nothing more about it at this point.

There are many other issues discussed in the book, such as the concepts of right and wrong, good and evil, rules and laws, comment on which would be more appropriate in a journal on ethics. But his views on these matters too are heady wine, forthrightly and elegantly presented. All in all, Taylor's book is a most exciting one, by a man who has evidently come to largely (but not entirely) libertarian conclusions quite on his own, without reference to the historical or contemporary books and articles written by libertarians. His book is a refreshing breeze in the mass of "contributions" to the literature of contemporary political philosophy. ◻

by jeff riggenbach

"There are occasions when a worthless, insignificant book acquires significance as a scrap of litmus paper exposing a culture's intellectual state." (Ayn Rand, *THE AYN RAND LETTER,* January 17, 1972, p. 1.) Just as occasionally, a worthless, insignificant book acquires significance as a scrap of litmus paper exposing the intellectual state of a culture's critics. Such an occasion was the publication by Arlington House of *TROUSERED APES* by Duncan Williams.

TROUSERED APES purports to be a detailed analysis of the violence, animality and nihilism of contemporary literature. In fact, it is a tedious, repetitious and illogical diatribe—against a straw man.

Western civilization, Dr. Williams announces, has been built on the classical ideal of the Golden Mean, on the belief that man can effect a kind of compromise between his rational faculty and his instinctive drives, thereby developing the cardinal virtues of restraint, self-control and decorum—in essence, good manners. But restraint is the keynote. Even good manners must be good *in moderation:* "... even a virtue ceases to be such if it is carried to *excess.*" (*TROUSERED APES,* p. 128). Clearly this ethic presupposes several more basic philosophical principles, and Dr. Williams happily specifies these as well: Man can only take meaningful action if the universe in which he lives is meaningful, which is to say, only if there is a God looking after it. The existence of this God cannot be rationally proved, but then neither can it be rationally disproved, and in the absence of evidence either way, surely it is preferable, because it leads to the cultivation of better manners, to believe. In any case, man must realize that he is in error if he *tries* to apply reason to questions of theology, metaphysics and meta-ethics. These are properly the province of "instinct." (p. 124-26). Finally, just as man needs a God to impose order on the universe, so he needs an authoritative government to impose order on society.

These ideas were dominant, Dr. Williams informs us, throughout Western history until the Enlightenment of the 18th century, which, by over-emphasizing reason at the expense of instinct, spawned the over-emotional reaction of the Romantic period. And it has been all downhill from there. Romanticism, which is roughly synonymous with irrational self-assertiveness, rejection of all authority, even God's, and *absolutely execrable* manners, has dominated literature ever since. Today we are treated to such spectacles as John Osborne's *A PATRIOT FOR ME,* in which two males embrace on stage, Pablo Picasso's *LE DESIR ATTRAPE PAR LA QUEUE,* in which a woman simulates urination on stage, and Jean Genet's *THE BALCONY,* in which a man castrates himself. Again the keynote is restraint—or lack of it. It is because the Romanticist wants to assert himself and his emotional drives that he rejects God's authority and man's by seeking to shock his fellows with ever more atrocious displays of vulgarity and ill-breeding. These three plays may safely be taken as representative of contemporary literature. Today's literature portrays man as a Trousered Ape.

PRETENTIOUS NONSENSE

That all this is pretentious nonsense is clear almost from the start. In the first place, the idea that Western civilization rests on metaphysical supernaturalism and epistemological irrationalism is patently absurd. Something quite like these principles underlay *medieval* Western civilization, but it was only the fundamentally realistic and rationalistic doctrines of such men as Pierre Abelard and Thomas Aquinas that made a rebirth of progress and prosperity possible during the Renaissance. In the second place, a morality based entirely on the ideal of the Golden Mean, a morality which holds excess as the cardinal evil, can only, by its nature, promote the kind of uniform mediocrity which is impotent to advance the human condition. It can only penalize (and penalize equally) a producer and a destroyer, a saint and a scoundrel. In the third place, even if the Classicist/Romanticist dichotomy *could* be explained by means of so crude a paradigm as Dr. Williams presents, his reason/emotion paradigm wouldn't do the trick. If the fact of Classicist critical theory's preoccupation with the arousal of passions in the drama weren't embarrassing enough, the fact of such Romantic theorists as Coleridge's interest in developing a rational and dispassionate poetics has to be.[1] Of course, at this point, Dr. Williams might protest that we are quibbling about words. Isn't it the fact, whether we use words like Classic and Romantic to describe it or not, that literature, including the drama, has become increasingly nihilistic and preoccupied with depravity since the turn of the 20th century? The answer, unfortunately for Dr. Williams and for such other critics of the MLIAS (Modern-Literature-Is-A-Sewer) school as Ayn Rand, is: NO.

It is here, when *TROUSERED APES* is considered as a document in the MLIAS tradition, that its significance becomes clear. That contemporary literature is depraved, that it presents man as an animal or worse, is a notion which should have floated away because of insubstantiality years ago. Instead it has become dogma for thousands of people who behave rationally enough in other intellectual spheres. And, if the publication and British success of

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Is Modern Literature Really A Sewer?

TROUSERED APES may be taken as symptomatic, it is a notion which is gaining adherents. Yet if one takes a close look at the literary situation of the Western world in the 20th century, one can only conclude that the MLIAS critics and their supporters are spending more time condemning the literature in question than they are spending reading it! For not only is it *not* the case that most contemporary fiction and poetry projects this view of man, but it is *also* not the case that certain of the specific works these critics cite as examples project this view.

TROUSERED APES. By Duncan Williams. New Rochelle: Arlington House. 1972. 169 pp. $6.95.

What authors *do* they cite? Whether one is reading Williams or Rand, the lists are monotonously predictable: Beckett (especially *WAITING FOR GODOT*), Nabokov (especially *LOLITA*), Genet, Edward Albee, William Burroughs, Kafka, Joyce, Gunter Grass, John Osborne, Norman Mailer, the Theatre of the Absurd, Henry Miller. But is it really necessary to point out that these names do not exhaust contemporary literature? Or that there *are* contemporary writers (and just as many of them) who project *other* views of man? Of course, Rand and Williams are not in complete accord about the sort of alternative they would like. Both reject the idea that depravity is any more realistic than anything else, but while Rand is asking, "... if heroes and geniuses are not to be regarded as representative of mankind, by reason of their numerical rarity, why are freaks and monsters to be regarded as representative? Why are the problems of a bearded lady of greater universal significance than the problems of a genius? Why is the soul of a murderer worth studying, but not the soul of a hero?"[2], Williams is declaring, "There is nothing fundamentally more realistic or more 'natural' about a public urinal, or a kitchen-sink, or a paranoid-schizophrenic than there is about a tranquil lawn, or a cultivated household, or a balanced mind." (p. 129.) The fact is, though, that both can be satisfied: if Ms. Rand wants the problems of a genius and the soul of a hero, let her examine the novels of Alfred Bester and Rafael Sabatini and J. R. R. Tolkien, or, on a lighter level, the "science-fiction" novels of such writers as Poul Anderson and Robert A. Heinlein. If she can be contented with stories of the near-heroic, let her sample the later novels of Mervyn Peake or the earlier ones of James Branch Cabell. If Dr. Williams wants a tranquil lawn, a cultivated household and a balanced mind, let him become acquainted with Ray Bradbury's *DANDELION WINE,* Ross Lockridge's *RAINTREE COUNTY* and the later novels of George Moore, to say nothing (as Dr. Williams himself does for the entirety of his book) of the works of Ayn Rand. Let him examine some of the work even of writers he condemns (Henry Miller's *SMILE AT THE FOOT OF THE LADDER* is an apt example). And let both of them (Ms. Rand *does* to an extent) note the wide availability and phenomenal success of heroic, life-affirming light fiction from such authors as Donald Hamilton, Ross MacDonald, Ira Levin, John D. MacDonald, Alastair MacLean, Arthur C. Clarke and Jack Schaeffer.

NIHILISTIC WRITERS IN MINORITY

Of course, the usual lament of MLIAS critics is that the authors of positive, humanistic literature are ignored by the intellectual world, while the extollers of nihilism and depravity dominate the culture. But consider the reading list for the average university course in 20th century American fiction: Dreiser, Hemingway, Faulkner, Steinbeck, Salinger, and an assortment of such post-War figures as Saul Bellow, Bernard Malamud, Donald Barthelme, William H. Gass, Joyce Carol Oates, Kurt Vonnegut, Jr., John Updike and Ken Kesey. Dreiser, Faulkner, Malamud and Joyce Carol Oates are the only members of this company who could possibly be accused of depicting "trousered apes" in their work, and even they could not be convicted of doing so consistently. A list of the critically acclaimed British writers of this century is similarly lacking in depraved nihilists: Virginia Woolf, James Joyce, George Moore, Aldous Huxley, Ronald Firbank, George Orwell, Grahame Greene, Somerset Maugham, Evelyn Waugh, Anthony Burgess, John Fowles. And for every Kafka and Grass on the continent, there is a Thomas Mann or a Hermann Hesse. The fact is that writers like Beckett who *do* present man in nihilistic terms are *not* in a majority in contemporary letters. Most contemporary writers do not present heroes and tranquil lawns, true enough; but neither do they present subhuman monsters. They present *human* characters trying (and not *always* failing) to cope with *human* problems.

But perhaps most important among the facts which MLIAS critics ignore is the *style* of much contemporary literature. As Ayn Rand has herself pointed out: "Two distinct, but interrelated, elements of a work of art are the crucial means of

projecting its sense of life: the *subject* and the *style*—*what* an artist chooses to present and *how* he presents it. The subject of an art work expresses a view of man's existence, while the style expresses a view of man's consciousness. The subject reveals an artist's *metaphysics,* the style reveals his *psycho-epistemology."*[3] *Style is as important a determinant of sense-of-life in a literary work as subject.* A novel which presents heroic individuals overcoming obstacles to their success in the style of the average comic book—a style which projects the unsophisticated, concrete-bound, largely indiscriminate psycho-epistemology of a child—is no more a pro-human, pro-life novel than is the detailed portrait of a madman in a style which projects the integrative and discriminatory control of a human consciousness at the height of its powers. As emotional fuel for the rational person, both books are half-measures. The first says that human existence can be dramatic and exciting but that human consciousness is little better than that of an intelligent collie. The second says that human consciousness can be extraordinarily disciplined and subtle and virtually invincible in the solution of problems but that human existence is a nightmare of pain and frustration. To accept the first as a portrait of heroism, one would have to be profoundly anti-intellectual. To accept the second as a portrait of genius, one would have to inhabit an ivory tower and totally disdain the translation of theory into practice. *To the extent that contemporary writers portray man as a subhuman monster, they do so in a style which portrays human consciousness as a magnificent tool for the most intense awareness of reality.* If Nabokov's *PALE FIRE* is the portrait of an insane genius helplessly trapped in his own elaborate self-delusions, it is also one of the greatest hymns to the integrative power of the human mind that has ever been published. If Beckett's *WAITING FOR GODOT* is the portrait of man as the helpless inhabitant of an incomprehensible world, it is also a paean to the economy and precision which the human mind can achieve in its apprehension of a scene, a character, a chain of events. If Miller's *TROPIC OF CANCER* is the portrait of man as a sewer rat crawling through slime, it is also a tribute to the introspective power of human consciousness, a portrait of the vividness and intensity which self-awareness can attain. These works are *not* depraved and nihilistic; they are almost exactly *even mixtures* of the depraved with the exalted, of the nihilistic with the life-affirming.

So much, then, for contemporary literature and for the MLIAS view of its meaning and value. One fact remains to be stressed: in all of literary history, there has been only one writer who *has* offered a thoroughly rational portrait of man with respect to both existence and consciousness—Ayn Rand. All other writers, all other works, are mixtures of the heroic and the commonplace, of the insightful and the mundane, of the rational and the irrational. Twentieth century literature is no exception to this rule, and neither are those specific works of 20th century literature which are so often singled out for damnation by MLIAS critics. They have something, most of them, to offer the rational person, if he will read them carefully and critically. If he will not, he should refrain from discussing them. ◻

NOTES AND REFERENCES

[1] For a fuller discussion of this issue, see Brian Eenigenburg, "The Romantic-Classic Dichotomy," *VOLITION,* June-July 1972, pp. 3-8.
[2] Ayn Rand, *THE ROMANTIC MANIFESTO* (World, 1969), p. 116.
[3] *Ibid,* p. 50.

WHEN I'M AMONG A BLAZE OF LIGHTS

When I'm among a blaze of lights,
With tawdry music and cigars
And women dawdling through delights,
And officers in cocktail bars,
Sometimes I think of garden nights
And elm trees nodding at the stars.

I dream of a small firelit room
With yellow candles burning straight,
And glowing pictures in the gloom,
And kindly books that hold me late.
Of things like these I choose to think
When I can never be alone:

Then someone says 'another drink?'
And turns my living heart to stone.

Siefried Sassoon

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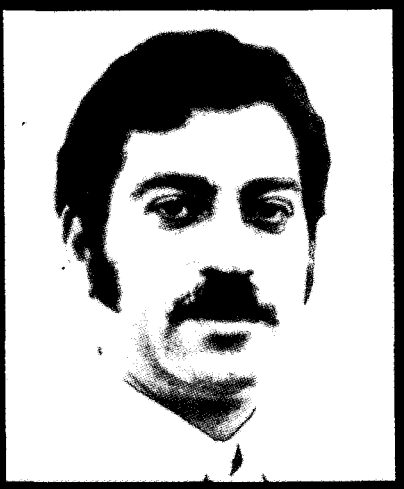

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HOW TO GET A COLLEGE TEXT PUBLISHED (A Guide for Libertarians)

by michael helm

Many libertarians have complained to me that they feel the publishing world, at least in the educational field, is unsympathetic, if not hostile, to books which espouse libertarian ideas. This is particularly so in the social sciences and humanities. While I do not think that the charge has total validity, this article will try to discuss some of the factors at work which influence publishers in their decisions about publishing the books that they do.

One such factor, in my opinion, is the institution of the corporation. Until recently, publishing companies were primarily individual proprietorships which to some extent reflected the sympathies of the owners. If an owner liked the content of a book, he might decide to publish it even though it wouldn't be a likely money maker. Today, most of these proprietorships have been absorbed by firms that are incorporated.

BLOCKED BY THE INVISIBLE HAND

In the world of the corporation, run by managers whose only criteria is profitability, devotion to any potential book for its intellectual content is a secondary consideration. In the eyes of corporate managers and editors their responsibility is to maximize profit for the stockholders, thus raising the earnings per share and the capital value of the stock. This means that they will orient their publishing programs towards publishing those books which reflect the greatest possible consensus, hence market. The tighter economic conditions are, the more tenacious will the managers be in avoiding books which reflect a marginal market.

Since the prevailing intellectual consensus on the college and secondary level is not sympathetic to libertarianism, publishers are quite likely to reject manuscripts which espouse that point of view. When publishers *do* publish libertarian books, they have to be much more outstanding in their content and presentation than books which reflect the consensus point of view. This is why one sees a plethora of consensus oriented books being published and only a few libertarian ones.

A related, but not insurmountable, fact is that most publishers don't want to publish too many titles which reflect "odd-ball" perspectives for fear that their list will be stereotyped as ideological by the academic world. This simply reflects the long standing tendency for any prevailing orthodoxy to view its position as objective and true, and any challenging view as fanatical and ideological in nature—if not evil. (A tendency, I might add, which some libertarians are not totally immune from either!)

Having said this, however, I want to give some idea of the process that an editor goes through in evaluating manuscripts. Hopefully, this will give prospective authors an idea of what to do to enhance the marketability of their manuscripts. For purposes of simplification I will assume that we are dealing with a manuscript by an "unknown" author.

WORDS TO THE WISE AUTHOR

An editor receives an unsolicited manuscript in the mail. This generally means that the manuscript already has one strike against it. It is *always* helpful to have established some kind of prior contact with an editor. But if you haven't been able to do that, then you should be sure to attach a prospectus with your manuscript which describes what the book is about, the audience that it is intended for (the more specific you can be about suitable courses the better), and what—if any—published books your manuscript will compete with. In the latter case, a brief description of how your manuscript will differ from, and improve upon, the existing competition is quite helpful to an editor.

Michael Helm is an editor (history, philosophy, and economics) with the Wadsworth Publishing Company. He is also a writer and poet, and a member of the Berkeley Poets Cooperative. In addition to REASON, *his work has been published in* A WAY OUT, VOICES INTERNATIONAL, *and* FICTION.

Often times, an editor is not that knowledgeable about the potential market for a particular manuscript. You need to educate him with some kind of sales pitch.

Attaching a prospectus will often mean the difference between an editor looking at your manuscript or not. If he has to—bleary-eyed and hungover—thumb through an unsolicited manuscript and figure out the above information for himself, he may decide—on very superficial grounds—that the manuscript is not worth the effort and send out a standard rejection letter. But, if you attach a prospectus he may, even if he rejects it, suggest other publishers that might be suitable for the manuscript. In fact, authors shouldn't be shy about asking for help from editors. An editor may not be able to publish the manuscript for a variety of reasons independent of its quality. It may be more suitable for a trade publisher (one who primarily sells individual copies to the general public rather than to educators who control multiple copy adoptions in an academic environment), he may have a similar book under contract, or the financial strings may be tight at the moment.

Now assuming that an editor does have a prospectus he will probably ask himself what the total potential audience for the book is and whether or not he can effectively reach that audience with the marketing sources available to him. (It is often the case that an editor would like to publish a book but knows that his firm can't do a good job of promoting it.) Any information that a prospective author can provide about other people teaching in the field who would be likely to use the published book will impress an editor. It will also save him time from having to dig this information out for himself, and hence ingratiate you to him.

CAN YOU SELL 5,000?

If you can convince an editor that there are 50 or more teachers in the field teaching courses with average student enrollments of 100 or more, his interest in your manuscript will be further heightened. In addition you can help an editor by suggesting several people teaching courses relevant to the manuscript who could serve as critics for the quality and marketability of the manuscript. (Editors usually send out projects for evaluation to people teaching courses for which the manuscript is appropriate.) If the editor doesn't know much about the market for the book he is likely to appreciate your suggestions and use whomever you recommend as part of his decision making process. If an editor can identify the audience for a particular manuscript, obtain favorable reviews from a representative sample of that audience, and reach it with an inexpensive promotion campaign, then his decision to publish the manuscript is more likely to be favorable. The only qualification here is that the total audience for the book should constitute a *minimum* first year sales potential of 5,000 copies.

A possible exception would be an inexpensive paperback edition. In this case, the market potential would probably have to be closer to 10,000 or 15,000 copies in the first year. Given a relatively small market for a book, the publisher will prefer to charge a higher price for the book and publish it in hardback. If he can charge $10 for the book because of inelastic demand, he will prefer that to pricing it at $2.95. It is fairly safe to assume that a publisher will want a minimum return of about $30,000 in sales on any book that is published. Under tougher economic conditions, this figure may jump to $50,000.

A related concern to an editor, though not to him alone, is what kind of royalty rate he will have to pay an author. In the college textbook arena the range runs from 10 to 18 percent of *net* proceeds. An unknown author will probably get more attention if he indicates he is willing to accept a lower royalty. If the market is relatively small for a prospective book, the publisher is likely to offer the minimum figure. (Some publishers will make provisions for a graduated royalty although this is increasingly the exception rather than the rule.)

In closing, let me admonish those of you looking for a publisher—*submit your manuscript in as presentable a form as possible!* Rightly or wrongly, a badly typed, pencil-corrected manuscript will convey an unprofessional image to an editor and may well lessen his motivation for reading and ultimately wanting to publish it. ◻

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Therefore, as a measure of insurance, it is time to stock up on gold coins (if you have not already done so), plus a food supply which can be used in case of emergency, as well as for every day utilization, should nothing adverse occur. With passing time, acquisition of such a supply is becoming more costly.

Last year the U.S. had an overabundance of food. This year much of our food is in Russia, while some of our domestic prices (including prices of storable items such as wheat) are 3 times higher than previous to the give-away.

We have seen that farmers have killed newly hatched chickens, for the feed has become too expensive due to the "sale" to the Soviet Union. And the Secretary of Agriculture assured us that food rationing is unlikely. (Could anyone foresee the need for such "assurances" in 1972?)

During the last five years, we emphasized acquisition of gold coins as a security investment in our advertisements in the Wall Street Journal, Barron's, Human Events, American Opinion, Reason, and other publications. Those who bought these coins through us already realized great benefits. Now we are advocating acquisition of a ready reserve food supply <u>also</u> as a security investment. Reflection on the past and on what politicians have done and are doing to this country, show this to be necessary. (Thus, while in summer of 1973 it became known that our domestic granaries were almost depleted, a huge U. S. food sale to Red China, on extremely dubious terms, was announced. The food is to come from future crops, as there were practically no reserves left for use of the Red China transaction after shipment to the Soviet Union.)

Nearly all grocery stores now sell packaged and canned foods. However, these items are not designed for lengthy storage and quickly lose freshness and taste, as well as important vitamins. In addition, grocery store items take up considerable space and are heavy. Nor have the drying methods used for thousands of years for food storage proved satisfactory. Their appeal, even before becoming completely stale or spoiled, was always far from desirable. To correct this, the so-called "Low-Moisture" methods were developed about 23 years ago. Their value in providing fully adequate and <u>attractive</u> meals has since then been well proven. However, new developments in this field have improved these products even further. Low-moisture foods were used by the climbers of Mount Everest, and were taken along by our astronauts to the moon. Low-moisture foods are also completely practical and easy to prepare for normal, everyday household consumption. Yet, they last up to 15 years and longer without requiring refrigeration, while their reduction in weight and space of 75% (compared with grocery store items) makes it possible to keep a one or more year supply in a house or garage.

Our Salt Lake City processor has over 20 years of experience (it is the oldest in this field) in providing balanced, low-moisture foods which excel in nutrient, vitamin and mineral contents, as well as taste. The low-moisture methods used to achieve this require greater effort than the usual processes, but results—in terms of taste, nutrients, and longevity, as well as bulk and weight—are worth it. Moreover, cost to the consumer is surprisingly low. Fully adequate, appealing meals are provided at 46¢ each.

Expert design of the ready reserve food supply eliminates guess work as to what to store. This can be of utmost importance to health, especially if a food crisis persists longer than a few days. Fruits, vegetables, eggs, cheeses, grains, sugars, proteins, cooking aids, and a wide variety of other foods, certain to preclude monotony, are provided, together with a culinary book containing outstanding recipes, ideas, and suggestions for best utilization. You may use these foods in your everyday menu, while, at the same time, keeping enough in reserve against a food "black-out." (We can replenish your used up supplies as they are consumed.)

The desired results are achieved by: 1) dehydration of the food; 2) placing the dehydrated food in internally enamelled cans (of which 116 are the regular size #10 cans, each being slightly smaller than a gallon, while 8 are half-size #3 cans); 3) evacuating the air from the cans, replacing it with an oxygen free atmosphere and sealing the cans; 4) packing the cans in cartons of 7-3/8" by 12-3/4" by 18-3/4" dimensions. 20 such cartons weighing 600 pounds and occupying 2/3 of a cubic yard (you can fit them all in your car) provide a 12 month supply for 1 adult person at 2,450 calories per day. (The supply is so designed that either families or single or several adults may use it. While it may last 6 months for 2 adults, the proportional time decrease for a family with small children is less than for adults. Thus, for a family of 6 consisting of a father, mother, and 4 children aged 2 to 14 years, the supply will last longer than 2 months. This is because children consume less than adults.) Opening a sealed can will not cause spoilage for several months, thereby enabling full use of its ingredients.

The following is a list of the contents of the augmented yearly supply described here (except as indicated, all cans are #10 size):

FRUITS: After restitution with water, the same as 103 lbs. of fresh fruits, consisting of apples, peaches, and fruit galaxy of apricots, grapes and cherries, providing 521 of 3 ounce servings. 6 cans.

VEGETABLES: After restitution with water, the same as 268 lbs. of fresh vegetables, consisting of carrots, green beans, sweet corn, tomatoes, cabbage, potatoes and peas. This provides 500 of 4 ounce servings. 12 cans.

SUGAR: 36 lbs. of granulated sugar. This is more than sufficient for normal use of one year. 6 cans.

MILK: After adding water to the powdered milk, the yield is 230 quarts of non-fat milk. At normal consumption of ½ quart per day, this is sufficient for more than a year. 12 cans.

CONCENTRATED VEGETABLE PROTEINS: This category provides a meat substitute, equivalent to the protein content of 100 lbs. of lean, fresh

meat. Also 186 servings of bacon-flavored bits—excellent tasting. 12 cans.

GRAINS: Sufficient flour (or unground whole wheat, yielding the same amount) to provide 250 lbs. of rich, wholesome bread, or any other items the wheat may be used for. Also: 228 of 4 ounce servings of pinto beans; 84 of 4 ounce servings of quick cooking oats; 116 of 4 ounce servings of elbow macaroni; 96 of 4 ounce servings of yellow cornmeal; 279 of 4 ounce servings of rice. 42 cans.

EGGS: 384 eggs (32 dozen) in powdered form, providing more than one egg per day for a year. 4 cans.

CHEESE: 128 of one ounce servings of cheese. 1 can.

GELATIN DESSERT: 256 of 4 ounce servings of gelatin dessert. 2 cans.

BREAKFAST DRINK: 320 of 4 ounce servings of grape, grapefruit, orange, or pineapple drinks. 2 cans.

SHORTENING: 39 pounds. 12 cans.

MARGARINE: 10 pounds. 3 cans.

SUPPLEMENTS: Cornstarch sufficient to make 96 pounds of pies, or other uses; minced onions to provide 384 one ounce servings; beef bouillon for 218 servings of 6 fluid ounces each; chicken flavored and beef flavored gravy for 384 of 2 ounce servings; iodized salt sufficient for more than one year; adequate baking powder and yeast. 10 cans, of which 2 are #10 size (the same as all others listed above) while 8 are half-size #3 cans.

TOTAL: 116 #10 cans, 8 #3 cans; all packed in 20 cartons. (NOTE: none of the items listed here require special care or refrigeration for long term shelf life. However, yeast and baking powder will stay fresh longer if kept in cold storage.)

It can be seen that the READY RESERVE supply provides highly nutritious food, with a high protein, high mineral and vitamin content, sufficient for maintaining good health; and that the 2,450 calories per day, thus furnished for one year, are well balanced. While the food is easy to prepare and use, the book, CULINARY CAPERS, which comes with the supply, contains beneficial instructions and suggestions.

Cost of the yearly supply is $493 plus shipping charges (varying between $30 and $80 depending on location). This is a bargain even if we never have a food "black-out." Thus, if nothing else, the ready reserve supply serves as a hedge against burgeoning prices. But, should a food crisis occur, the supply can be vital for sheer survival.

Also available: A 5 month READY RESERVE supply providing all necessary items for a 5 month period. This supply comes in 8 cases and weighs about 220 pounds. Cost is $258 plus $20 to $50 shipping charges. The variety and quantity is smaller than for the yearly supply, but fully adequate nourishment is provided for a 5 month period.

A WATER PURIFIER, good for approximately 100 gallons, is included at no extra cost for the yearly as well as 5 month supplies. This is an exceptionally excellent item, removing contaminants (including radioactive particles) down to one micron (40 millionths of an inch) in size, thus providing pure, usable water, even from highly polluted sources.

Because of worsening inflation, we can expect further price increases. Therefore, we urge you not to delay even one day, as our politicians are not making things better for American consumers. If your order is received within 2 weeks after reading this notice, we will send free of charge as a bonus the two following important books: 1) PASSPORT TO SURVIVAL; 2) FAMOUS MORMON RECIPES.

Our emphasis here on food is not intended to downgrade the importance of gold coins. If we learn from history, we can expect the dollar to go the way of the German Mark in 1923. Much worse monetary conditions are probably coming, and it is not too late to begin or enlarge a supply of gold coins. We offer: U. S. $20 gold coins at $205 each; Mexican 50 Pesos at $175 each; Mexican 20 Pesos at $76 each; Mexican 10 Pesos at $39 each; British Sovereigns at $46 each. Call for latest prices and quantity orders. Fully insured coin shipping charges paid by us.

All U. S. gold coins in uncirculated condition. All foreign gold coins in extra fine to uncirculated condition. Many other gold coins also available, plus uncirculated and circulated silver dollars and other silver coins.

IMPORTANT NOTICE:

Many persons wishing to have food insurance for themselves and/or families and short of cash, have asked us if the food can be obtained on a time payment basis. Nevada Coin Exchange is normally not receptive to sell on a basis which places customers more in debt. But, food is more vital for survival than any other purchasable item. Therefore, we made arrangements with Master Charge and BankAmericard to enable time payments (or cash pay-outs) with them for food. If you wish to use this service, please fill in your Master Charge or BankAmericard number as indicated on the order form.

FULL GUARANTEE:

If unsatisfied, you may return coins and/or food ordered to Nevada Coin Exchange within ten days for a complete refund of your purchase, plus a complete refund of any shipping charges.

ORDER FORM

PLEASE SEND:

1. A _____ year(s) supply of READY RESERVE FOOD at $493 per one year supply, or a 5 month supply of READY RESERVE FOOD for $258 together with the book, CULINARY CAPERS and water purifier. If I ordered within 2 weeks from reading this notice, you are also to send me free of charge the books PASSPORT TO SURVIVAL, and FAMOUS MORMON RECIPES. I may obtain at request free information on hand or power grinders, water purifiers, breadmixers, survival and/or recipe books, and other supplies.

2. Gold coins (indicate type and quantity desired):

_____ pieces of U. S. $20 gold coins at $205 each, containing .9675 net Troy Ounce gold per coin.

_____ pieces of Mexican 50 gold Pesos at $175 each, containing 1.2056 Troy Ounce gold per coin.

_____ pieces of Mexican 20 gold Pesos at $76 each, containing .4823 net Troy Ounce gold per coin.

_____ pieces of Mexican 10 gold Pesos at $39 each, containing .24115 net Troy Ounce gold per coin.

_____ pieces of British gold Sovereigns at $46 each, containing .2354 net Troy Ounce gold per coin.

(Long distance phone charges reimbursed by us if order above $100 is placed.)

TOTAL FOR ORDERED FOOD AND/OR COINS $ _____

If unsatisfied, I may return coins and/or food ordered to Nevada Coin Exchange within 10 days for a complete refund of purchase, plus a complete refund of any shipping charges.

NAME _____ ADDRESS _____

CITY _____ STATE _____ ZIP _____ TELEPHONE _____

☐ Master Charge Number

☐ BankAmericard Number _____

(Enter only if you wish to use credit card)

Check, money order, or other convenient form of payment for food and/or coins acceptable. You may also use Master Charge or BankAmericard for food. Send order to:

NEVADA COIN EXCHANGE (a subsidiary of Carson Development Corporation)
P. O. Box 485, 1104 West Sunset
Carson City, Nevada 89701
Telephone: Area Code 702, 882-2483

All food and coin prices subject to change without notice.

BANK REFERENCES AT REQUEST

NOTE: Coin orders shipped via fully insured mail (paid by us) from Carson City, Nevada. Food orders shipped from Utah via truck. Food shipping charges (varying from $20 to $80 depending on supply ordered and distance) payable by purchaser on receipt of order. We guarantee to pay the difference if food shipping charges exceed $80 for the yearly supply, or $50 for the 5 month supply within the 48 contiguous U. S. states. Shipping charges to the more populated parts of Alaska and Hawaii (i.e. Anchorage, Juneau, Honolulu, Hilo, etc.) are approximately 35% higher.

editorial

THE FREE PRESS AND THE POSTAL SYSTEM

Freedom of the press is highly prized in America. Yet increasingly in our semi-controlled economy, people are losing sight of what being "free" really means. What would you think of a would-be publisher who complained to you that he was poor but worthy and that, therefore, in order to be "free" to publish, he was going to force you and your friends to contribute money to support his business? You would properly conclude that such a person hadn't the foggiest notion of what freedom is all about.

Yet this is precisely the position being widely promoted by an organization called the "Committee for Diversity of the Press," self-described as representing the intellectual journals which "constitute a kind of early warning system, alerting a society to the concerns of tomorrow" and as "the 'seedbed' of the culture." Its members do indeed constitute a considerable spectrum of important American journalism: *AMERICA, ATLAS, THE ATLANTIC, CHRISTIAN CENTURY, COMMONWEAL, HARPERS, HUMAN EVENTS, (MORE), THE NATION, THE NEW REPUBLIC, NEW YORK REVIEW OF BOOKS, PROGRESSIVE, ROLLING STONE, SCIENTIFIC AMERICAN, SOCIETY, WASHINGTON MONTHLY,* and *THE WRITER.* In article after article and in pages of Congressional testimony, representatives of these magazines have trotted out "freedom of the press" as a justification for continuation of the second class mail subsidy, which is threatened with phaseout by the U.S. Postal System.

Although large publishers such as *TIME* and *READER'S DIGEST* and their lobby group—the Magazine Publishers Association—have also protested the proposed rate increases, their arguments have not been as insidious or as misleading as those of the intellectual publications. The MPA's position can be seen by most people for what it is—rather baldfaced economic self-interest, much like that of farmers or shipbuilders who have grown accustomed to thinking of government subsidies as their "right." But it is the small publishers who are invoking freedom of the press as an excuse for subsidy—and moaning about the impending death of small periodicals. Their basic argument is that the proposed rate increases will force many such magazines out of business, thereby causing "social hazards" because the diversity of views expressed will decrease.

What *are* the facts about postal costs and the impending rate increases? First of all, the law under which the Postal Service was reorganized requires both (1) that total revenues equal total operating costs, and (2) that each class of mail pay its own way. Yet as of 1972, according to a study by economist George M. Wattles (*JOURNAL OF LAW & ECONOMICS,* April 1973), while first class mail generates 28% more revenues than its costs, second, third, and fourth class mail each costs far more than its revenues—by 60%, 36%, and 40%, respectively. In addition, Congress subsidizes the whole operation to the tune of nearly a billion dollars. Thus, taxpayers and first class mail customers are forced to subsidize the other classes of mail, particularly second class (magazine) users. The proposed second class rate increases are designed to phase out these subsidies over a several year period.

Secondly, what impact will the proposed increases have, *in fact,* on American magazines? Committee for Diversity of the Press representatives are fond of quoting the total dollar impact of the increases—in the millions for large publications such as *TIME*—which makes for scary, impressive reading. But they neglect to place such figures in the context of a magazine's total expenses. In the case of *REASON,* for instance, the cost of second class postage in a recent month was only 2.3% of total production and fulfillment costs. And *REASON* operates with a very small budget for such things as artwork and articles, with unpaid editors, and with very low overhead. It's hard to imagine that the impact on *THE NEW REPUBLIC* or *THE NATION* could be larger than this figure.

Small intellectual publications are still further subsidized by the second class rate *structure* (which is *not* being changed), which charges considerably more for each page of advertising than for each page of editorial content. Thus, a magazine like *TIME* or *READER'S DIGEST* with a very large fraction of advertising pages must pay far more per copy than *REASON* or *THE NATION.* Yet the editor of *THE NATION* has gone so far as to imply just the opposite by noting that the cost *per pound* of mailing his magazine is greater than that of magazines with more advertising (because his magazine is much lighter, since it has few pages of advertising)—a true but completely irrelevant point.

What the small magazine people are saying amounts to the claim that if postal rates are raised to full-cost levels, the resulting (5 to 10%) increase in magazine prices will cause enough loss of subscribers as to drive many magazines into bankruptcy. This point is never made explicitly or quantitatively; occasionally some pious words are offered about the plight of "lower income Americans." *In fact,* however, it is middle class, mostly middle- and upper-income Americans who buy the vast majority of magazine subscriptions, particularly subscriptions to the smaller-circulation intellectual magazines. To claim that vast numbers of these people will stop subscribing because of 5 to 10% price increases is laughable. Although rising paper costs and other production cost increases do pose difficulties for small-circulation opinion magazines, any magazine that dies "because of" second class postage increases will die because its readers and advertisers did not believe in it.

We at *REASON* wish to be on record as opposing any form of *forced* subsidy for our product. We support the efforts of the Postal System to end mail subsidies, and oppose the bills introduced by Senators Goldwater, Kennedy, and Nelson to stretch out or rescind the proposed increases. Further, we advocate the prompt repeal of the private express statutes, which prohibit competition in the delivery of first class and some other categories of mail. Opening the mails to full competition would lead, in short order, to a reduction in first class rates (to about 7½¢ per ounce, based on 1972 costs), and would make it even more urgent for the other classes of mail to be self-supporting. Once competing private companies were well established nationwide in all categories of mail, Congress could then phase out (or sell off) the Postal System.

The pious defenders of postal subsidies in the name of press freedom should remember history—and their own government's recent Watergate exploits. (Do you *really* feel safe entrusting your mail to agents of the State?) The only way to ensure freedom of the press is to keep the government out. A free and independent press cannot afford to be dependent on government subsidies. ◻

ROBERT POOLE, JR.

foreign correspondent

MAKING WATERGATE LOOK GOOD

Buenos Aires, Argentina. Last February, my *REASON* column carried some thoughts on the possible outcome of the Argentine general elections being held last March. If you care to know what happened in relation to what was predicted, so-called Scenario number 1 (see *REASON,* February 1973, p. 28.) was the result, in a modified version. The Liberation Front, with a Peronist candidate, easily won with 49 percent of the votes; the Radical Party was a poor second with 20 percent and my candidate, Manrique, was third with around 15 percent, in a rather good showing (Manrique had a chance of winning only if the Peronists abstained or had no candidates to vote). The Nueva Fuerza got 2 percent, being the party which spent more money than everyone else, including the winner.

But the story does not end there, as it should. After 45 days of the new government, the President—a dentist called Campora—resigned in order to call new elections without veto (ex-Dictator Peron had not been allowed to be a candidate). These new elections for President only, were held in September and the obvious outcome was that Peron won. However, the most interesting side of the process is that Peron has come as the leader of Law and Order, naming as Economy Minister the head of one of the two Businessman Associations (the one more protectionist), to the dismay of young leftist followers.

Yet, the real trouble is in the Universities. In what many believe is a risky tactical move, the Peronists consciously delivered control of all National Universities (which in this country are the biggest and, generally, the more prestigious) to Peronists of the far left, and they are crushing ahead with professors and the content of courses, in a wild, unstoppable persecution of teachers and ideas. At present, many professors have been fired, others still resigned in protest, and some—such as your correspondent—are trying to stay at all cost, in order to avoid leaving the place free and open for the new appointees, the majority of whom have dubious or no academic qualifications and, worse, are totally clear in their aims of indoctrination instead of education.

The outcome of *this* clash is easier to predict: by the time this article is printed we shall probably all be out and the problem is that there is no other place to go.

THE GRASS *IS* GREENER

To proceed with another, more pleasant subject, I have been reading lately with interest about the "deschooling" alternatives proposed by Illich, Goodman and others, especially focusing on their libertarian possibilities. I understand that one of the main complaints against the present school system in the U.S.A. is its bureaucratization and centralization. This may be relatively true, but you should bear in mind that, as it stands, it is one of the less centralized educational organizations of the world.

Do you recall a movie called *BLACKBOARD JUNGLE,* of the early fifties, with Bill Haley's "Rock Around the Clock" as musical theme and Glenn Ford in the leading role? I shall always remember that what most impressed me in that film was the extraordinary fact that, when (at the beginning of the picture) Ford applies for a job as a teacher, it is the manager of the public, secondary school himself who says, "Okay, start right now." This was and still is incredible to any European or Latin American observer, who lives in a society where public schools are nationally centralized, governed by a national Ministry of Education which employs all teachers and personnel of the country, and in which textbooks and courses are more or less determined by national authorities. This is what happens in France, Italy and most Latin American countries, and, I believe, in almost all the others. So much for *your* bureaucratization!

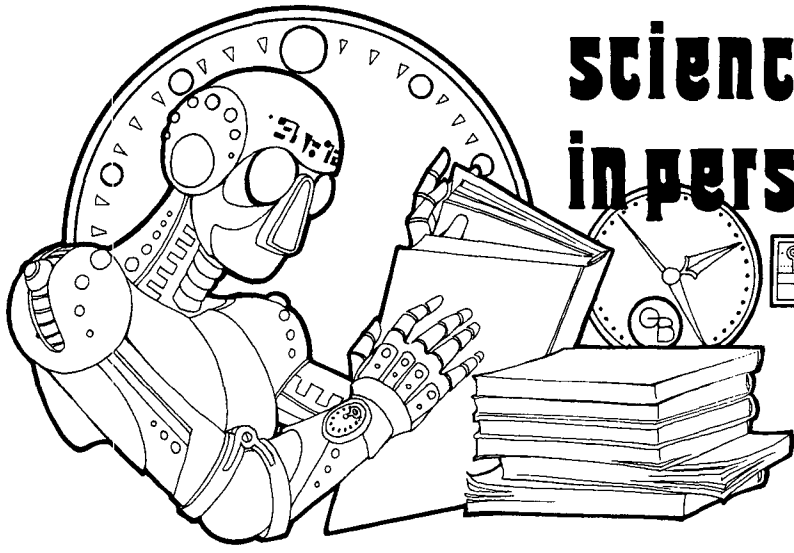
I really don't want to punish you, gentle readers of *REASON,* with another comment on *the* issue, but I feel I must tell you that, for this correspondent, the way Americans are handling the Watergate thing is the most brilliant example of American democracy in action, and is opening new frontiers on the fundamental problem of relationships between the Government and citizens. A trend started with the Pentagon Papers, the disclosure and denunciation of this kind of political malpractice shows, among other things, that the U.S.A. is *not* decadent but, as always, open to change and has an exemplary regard for civil liberties. All governments of the world are doing, with even less restraint, things like Watergate—always in the name of "national security." The demythologization of that concept and its practical consequences makes the U.S.A. a leader, in the best possible sense of the word, among all the other nations. This is *not* the prevalent view around here, but many people who customarily—sometimes with cause—have criticized U.S. imperialism, are realizing the real strength and values of "the American way."

DIPLOMACY?

Regrettably, strange acts still flourish among American bureaucrats. The latest here is an unexplainable and gross mistake of the local charge d'affaires, a Mr. Max Krebs, who unabashedly sent a memorandum to our Economy Minister criticizing some aspects of the government package of laws proposed to the Congress, in a tone sometimes close to disrespectful and threatening. (It is as if the French Ambassador to the U.S. were to send a memorandum to the Secretary of Commerce—not even to the State Department—advising the government not to pass a certain law and threatening negative consequences from the French government.) Imagine the reaction of the Minister, the press and anti-yankee public opinion!

Finally, as you may have noticed, in Uruguay the President dissolved the Congress, closed some newspapers and installed himself as the representative not only of the people but, in fact, of the Armed Forces. Really, the social, economic and political situation in that country was bad and deteriorating, but the prescription seems worse than the malady. If the recent Argentine experience of a military regime taught us something, it is that at the end of the experience the situation shall be worse. Brazil's case is something altogether different and, in itself, another story. Meanwhile, Latin Americans still try to work, progress, love and live peacefully. They—we—are not succeeding. ◻

N. G. Molinelli



science fiction in perspective

JOHN J PIERCE

John Pierce's Science Fiction column alternates monthly in REASON *with Davis Keeler's Money column.*

THE EXTRATERRESTRIALS

Moralists have spoken and written about the Brotherhood of Man for so long that the phrase has become a cliche. But science fiction may have given new meaning to the idea by extending it to embrace the Brotherhood of Intelligent Life.

For a genre widely thought of as being devoted to **Bug-eyed Monsters** (BEM's, as they are abbreviated by fans), SF has a remarkably progressive record for creating a sympathetic attitude towards whatever other sentient beings may exist in the universe, regardless of their outward form.

It took a long time for even science fiction to achieve this mature attitude—and most popular culture still lags behind, to judge from the so-called science fiction movies from Hollywood (or Tokyo) in which aliens are almost always portrayed as monstrous invaders that must be destroyed.

It was, unfortunately, H. G. Wells who first popularized the BEM—in *THE WAR OF THE WORLDS.* With Percival Lowell's theories of life on Mars then current, the England of 1897 was prepared to believe in the possibility of an extraterrestrial invasion, and Wells' novel became an instant sensation.

Orson Welles' radio adaptation of *THE WAR OF THE WORLDS* 40 years later created a panic among millions of Americans that is still a topic for sociologists. With xenophobia against blacks and Jews *still* endemic, it is hardly surprising that the idea of an invasion by *things* with tentacles would arouse fear and loathing.

None of this was consistent with the evolutionary humanist philosophy, with its stress on the value of intelligence, that Wells himself espoused. How seriously he took the idea of his Martians—as opposed to his message against the complacency of the world subjected to their depradations—is open to question. But the damage was done.

Before *THE WAR OF THE WORLDS,* the idea of extraterrestrial beings that were actually *different* from humans—whether for reasons of their environment or otherwise—hadn't been taken too seriously. And no one was prepared to voice the idea that human and alien might be able to find common ground in spite of those differences.

For more than 30 years afterwards, extraterrestrials were divided into two classes as far as SF was concerned—humanoids, who were good, and nonhumanoids, who were evil. Early SF magazine covers of the 1920's often featured giant ants, reptilian beings, things with tentacles, etc., all intended to be as repulsive as possible —as were the stories.

TURNING POINT

But science fiction's entire attitude towards alien beings was changed overnight in 1934 by two stories—Stanley G. Weinbaum's "A Martian Odyssey" and Raymond Z. Gallun's "Old Faithful." So influential were these stories that at least one authority, Lester del Rey, considers them—along with John W. Campbell, Jr.'s "Twilight" (also 1934)—to have established the basic foundation of modern SF.

Weinbaum's astronauts, making the first trip to Mars, encounter neither a beautiful princess nor a monster, but a strange bird-like (but definitely not a bird) creature whose name (perhaps) is something like Twerreel, and who becomes their guide—and ultimately protector—in an expedition across the Martian desert that includes meetings with other forms of fauna and flora just as strange, and some dangerous.

In Gallun's classic, it is the Martian who makes the visit. Scientists from Earth have established a sporadic and difficult communication with the being they call Old Faithful. Both his physical appearance and his thinking are alien to man's, but he nevertheless longs for contact with whatever beings are signaling him from across the void. When his own society forbids his communication project as wasteful, he defiantly undertakes the arduous journey to Earth—at the cost of his life.

E. E. "Doc" Smith, the father of the cosmic adventure form of science fiction called space opera, had populated his *SKYLARK* series (1928-34) with the BEM's typical of the age. But after 1934, he completely altered his treatment of aliens in the *LENSMAN* series (1937-45).

Among the heroes of the *LENSMAN* epic are Worsel of Velantia, who looks like a dragon with eye stalks; Tregonsee of Rigel, who vaguely resembles a tree-stump with tentacles; and Nadreck of Palain IV, whose physical attributes are nearly indescribable and whose natural habitat is at a temperature of several hundred degrees below zero.

Instead of monsters to be feared, these aliens are friends to be trusted—and many of the villains, by contrast, are quite human in appearance. Indeed, Worsel and the other inhuman lensmen of the Galactic Patrol are often more interesting than Kimball Kinnison, the human protagonist of the series.

Smith conveyed the Weinbaum-Gallun influence to many other science fiction writers, such as James White—whose *HOSPITAL STATION* series (1962-71) depicts a galactic medical center where both doctors and patients come in all forms imaginable and the problems are often

humorous as well as dramatic (a human doctor who takes a memory tape on alien medical knowledge is often influenced by the alien's sex drives as well).

Larry Niven, whose *KNOWN SPACE* series (1965-73) involves human encounters with such bizarre—but usually friendly—aliens as the puppeteers, kzinti and bandersnatchi, writes in the same tradition as Smith and White. Anyone who doesn't believe the most "inhuman" creature can be delightful is referred to "Neutron Star" (1966) or "The Soft Weapon" (1967) or *RINGWORLD* (1970).

POST-1934 BEM's

BEM's still existed after 1934—but they were generally exiled to the second or third-rate magazines, or to Hollywood. And while hostile encounters between men and aliens could still be a subject for serious science fiction, they required a really imaginative idea to justify them—as in the creature of Campbell's "Who Goes There?" (1938) that can physically mimic its human antagonists (a concept ignored by Howard Hawks' 1951 film adaptation of the story, *THE THING*).

Where mistrust occurs between human and alien, as in Murray Leinster's "First Contact" (1945), it is often grounded in the same problems that afflict humans in relationships among their own—and can be dealt with in the same manner. And in place of the antipathy toward alien invaders that once prevailed, SF can show sympathy towards aliens victimized by humans in stories like Philip Jose Farmer's "The Lovers" (1952).

In a number of stories, SF expresses moral concern that man should be careful to recognize alien intelligence that may appear in forms not easily recognizable—as in the case of tiny plant-like creatures in Paul Ash's "Big Sword" (1958)—and respect its rights. The problem of where the borderline lies between pre-sentient and sentient beings—and the moral issues raised by contacts with them—has been treated in works like Farmer's "Prometheus" (1961) and H. Beam Piper's *LITTLE FUZZY* (1962).

Problems of communication and cooperation with alien beings whose intelligence is obvious but whose psychology differs from man's is a recurrent theme of Poul Anderson in novels like *THE REBEL WORLDS* (1969), *THE BYWORLDER* (1972) and *PEOPLE OF THE WIND* (1973). Like nearly every other modern SF writer, Anderson always pleads for understanding in place of fear and mistrust.

Even in novels of inter-species conflict, like Robert A. Heinlein's *STARSHIP TROOPERS* (1959), the conflict is portrayed in a somewhat detached Darwinian manner as a struggle for Lebensraum and survival of the fittest—the aliens aren't supposed to be "evil" just because they *look* different. And Heinlein himself will more often call for understanding and cooperation—as in *THE STAR BEAST* (1956).

It is a shame that the enlightened view of modern science fiction hasn't been more influential on modern culture as a whole. Although there have been a few hints in the last decade or so, on isolated episodes of *STAR TREK* and other programs, of a more sympathetic attitude towards non-human intelligence, monsters and general xenophobia still prevail.

This is no mere academic or literary matt matter, either. Whether or not one takes seriously the numerous books about Chariots of the Gods (which are exaggerated at best, and total nonsense at worst) or the equally numerous reports of flying saucers, common sense dictates that intelligent life must exist elsewhere in the universe, that it may well not be intelligent life as we know it—and that mankind had better be emotionally prepared for "first contact" when it comes. ◻

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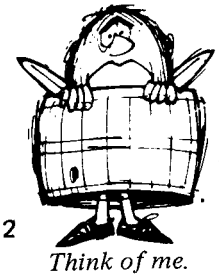

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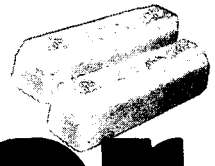

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REVIEWED BY
CHARLES BARR

• **A WORD ABOUT RATINGS:** Ever since its introduction in the late 1960's, the Motion Picture Association's rating system has been a source of continuous controversy. Supporters defend it as a means of protecting both artistic freedom and the rights of parents. Critics on the left see it as a source of "institutional censorship," while those on the right see it as a "license to undermine the morals of our nation." Because the advent of the rating system coincided with the initial wave of sexually explicit films, both critics and supporters have come to view it as a "sex index," with the more explicit and/or outspoken material receiving a more restrictive rating. Within this limited context, the system has worked remarkably well, giving parents a fast and usually accurate means of deciding whether to bring or take their children to a particular movie. Until now.

The problem is that the standards used in rating movies—sexual content and (occasionally) violence—are not comprehensive enough to achieve the system's most crucial goal: protection of children from potentially psychologically damaging material. This flaw, virtually unnoticed for years, has suddenly triggered a full-blown crisis with the release of the granddaddy of all horror films, *THE EXORCIST.*

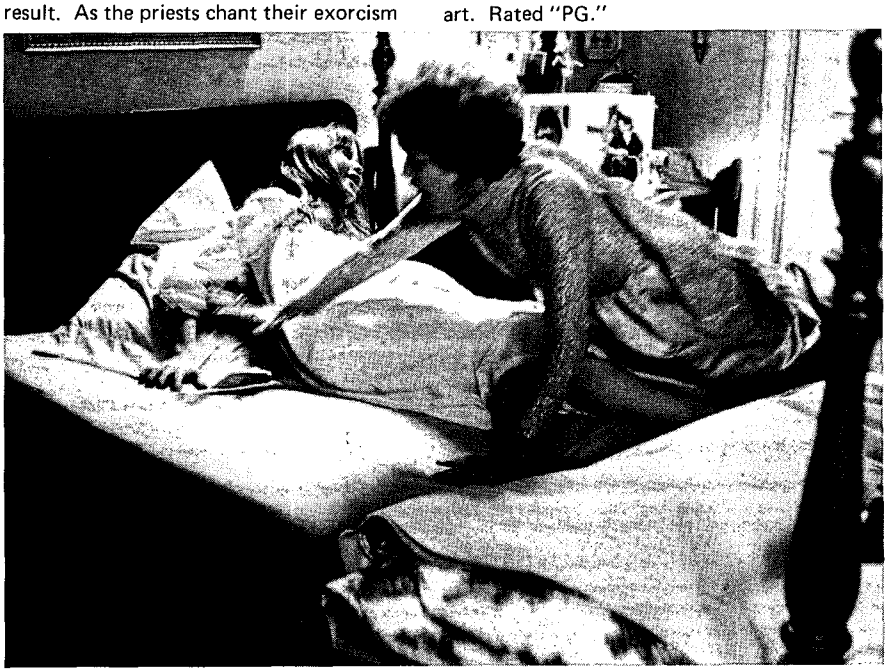
This movie was rated "R." It should have been rated "X." While *THE EXORCIST* contains no nudity—apparently a prerequisite for the "X" rating—it expels such heavy doses of supernaturalism, gore and shock that it could easily cause permanent damage to an impressionable mind. When hundreds of adults in their 30's and 40's are unable to sit through the film without fainting or becoming sick, the effect on children is bound to be even worse. The "R" rating gives no hint of these possible side effects.

To be fair, an "X" rating would't do the film full justice either. Many newspapers would relegate its advertisements to the pornographic or "adult films" section, where it clearly does not belong. Others would refuse to advertise it at all. And government censorship problems, already being encountered by some exhibitors, could intensify.

But many of these problems could be resolved simply by widening the scope of the ratings, so that they reflect more than merely the amount of sex and violence in a given film. It is obvious now that such an overhaul is needed. If it can't deal adequately with a film such as *THE EXORCIST,* then the rating system itself may be in serious trouble.

• As a movie, **THE EXORCIST** virtually defies description. It is easily and by far the most terrifying film ever made. It is also the most gruesome. It its depiction of a twelve-year-old girl who is possessed by a demon, the movie (except for a lack of nudity) leaves absolutely nothing to the imagination. The intensity, set deliberately at a low key during the first half hour, builds with maniacal precision throughout the remainder of the film's two-hour running time, piling shock upon shock with absolutely no relief. At the center of this supernatural storm is Linda Blair as Regan, an intelligent and apparently normal girl who is gradually reduced to a hideous caricature of her former self, with filmy yellow eyes, a face full of sores, and a gravelly voice that seems to erupt from the depths of hell. Effective performances are also delivered by Ellen Burstyn as Regan's distraught mother, Lee J. Cobb as a puzzled detective, and Max von Sydow and Jason Miller as the two priests attempting to banish the demon that inhabits Regan. Philosophically, the movie draws heavily upon medieval Christianity, which personified evil as a conscious force with supernatural powers. Unlike William Blatty's novel, which explored the possibility of natural explanations for these strange events, the movie is clearly intended to portray a titanic struggle between God and Satan. William Friedkin's tightly focused direction is backed by a galaxy of well-crafted special effects to achieve this result. As the priests chant their exorcism ritual, Regan screams vile obscenities, levitates her body into the air, spits up a nauseous green slime, and twists her head completely around on her neck. A mind-bending experience, *THE EXORCIST* is horrifying and fascinating at the same time; for sheer impact and intensity, there isn't another film around that even comes close. Rated "R."

• **PAPILLON** is a long, earnest, ponderous epic of human suffering and frustration, more a test of endurance than an entertainment for its audience. Steve Mc Queen, as the victim of a frame-up, and Dustin Hoffman, as an expert counterfeiter, deliver finely etched performances as inmates of a notorious French penal colony in South America. But their acting is not sufficient to overcome the episodic, drawn-out, laborious plot as it becomes bogged down in needless detail within endless cycles of escape and recapture. Steve McQueen projects the tenacity of an increasingly obsessed mind, deranged by the tortures and deprivations of prison. In the beginning he wants to escape in order to live a free life; by the end all that matters is escape itself, with no further goal in mind. Dustin Hoffman stands out as the prison's lone intellectual, surrounded by mindless misery, attempting to live by his wits and only partially succeeding. The photography and direction combine to achieve a gritty realism, underscoring the movie's relative lack of excitement. For all its craftsmanship, *PAPILLON* is more a work of sociology than a work of art. Rated "PG."



Linda Blair and Ellen Burstyn battle supernatural forces shaking a bed in scene from THE EXORCIST.

• As a pair of small-time grifters attempting to swindle a gangland syndicate boss, Paul Newman and Robert Redford are a winning combination in **THE STING.** Set in Chicago during the prohibition era, the movie is similar in spirit to their earlier triumph, *BUTCH CASSIDY AND THE SUNDANCE KID.* Redford, a back-alley hustler attempting to avenge the murder of his partner, teams up with Newman, a down-and-out swindler, to produce one of the most elaborate con games ever devised. Their intended victim, Robert Shaw, is convincing as a neurotic but ruthless mobster with a weakness for gambling. With no heroes in sight, the fun is derived from watching the small villains take on the big villain. The movie's tone is uneven at times, its comic veneer masking a more serious undertone. But the plot is well developed, the direction crisply paced, and the movie as a whole well worth your entertainment dollar. Rated "PG." ◻

viewpoint

TIBOR R. MACHAN

LIBERTY AND THE LOADED PRESS

I get angry quite often these days—especially after watching the folks who bring me television news each night! Although it would be unjust to indict *all* newsreporters, program directors, and others of those responsible for what comes out at my end of the radio and television receiver, the evidence indicates the worst.

Consider their self-righteous protests, hurled at Agnew when he complained about the media, or when some reporters were ordered to reveal sources (crucial to testimony involving what is at least a nominal pursuit of justice). In general, whenever some action unfavorable to the media is taken, from Walter Cronkite to the local blunderboys at the city desk, all scream bloody murder. Those at NBC, CBS and ABC are especially hard to swallow, what with their ill-gotten and illegitimately maintained corners on their market: it's no wonder that the newsmongers feel threatened whenever someone voices just a sigh of criticism of their practices!

Now what specifically is so irksome? First, David Brinkley always gives his profession a carte blanche license for distortion—by declaring that "objectivity" is impossible. Well then, what criterion is one to use to criticize the news media? How well-groomed the boys and girls are? No wonder Agnew was wrong—by Brinkley's doctrine no criticism of television *can* be right! If objectivity is impossible, then criteria are too, and anything goes.

Which is quite the case, of course. NBC's Richard Hunt did a special report on the Penn Central recently, offering all sorts of "explanations" for why it is going broke, how much it is needed everywhere, etc. Do you think the unions were mentioned even once? That featherbedding and price controls and all sorts of rotten practices made possible by the feds and encouraged by all sorts of lobbies made for the doom of the railroads? No, sir! Everything bad came from people trying to live well, make a profit, or just be mean on principle. I am no rail expert, but even *I* know that the railroads have been choked, at least in part, by unions! So why does NBC keep this off the air? Because objectivity is impossible? Well, then, so is honesty—and Agnew and Nixon and the rest are just doing the best they can.

Then there was Catherine Mackin's stuff on the Idaho Wilderness project which is being proposed by "business interests" and opposed by "those who want to leave a bit of nature amongst us." No names, of course, nor any attempt at some decent representation of the competing views. All Mackin did is to keep intoning on about "business interests" and softening her voice when speaking of the lovers of nature.

Outside strict news itself the story is no prettier. Tom Snyder, the KNBC-TV (Los Angeles) 6 p.m. anchorman and host of the *Tomorrow Show* on NBC network TV, has been as dishonest about presenting various sides of different news items as one can get. He's had this little Naderite bureaucrat, the Pennsylvania Insurance Commissioner Herb Denenberg, on the program twice already, with both of them gloating over the meanness of insurance companies and every other "profiteer" they could think of. Nader was taken to be a saint—this is a self-evident truth these days to Snyder and others of his ilk—and anyone who did not believe that government should grow larger and larger, with lots of virtue, of course, added to its sometimes admittedly "unfortunate errors" in judgment, had to be ready for commitment. Then also Snyder's disdainful approach to advertising—the thing that keeps him rich—is a pain in the neck. (You ask why I watch? Cultural anthropology.)

Now all this invites the obvious question: why not simply shut off the news, Snyder, or anything else that comes across the set? And of course this is an option. But another option is to broaden the market. And that, my friends, is just what the networks are lobbying against. The National Association of Broadcasters has been putting this fraudulent ad against pay television in all media, begging people to write to the FCC about how terrible the idea is. The ad says "Family spend

too much on TV last month? . . . That's a question you may have to wrestle with in the near future . . . because if pay-TV operators have their way, you'll have a new bill to pay every month. . . ." Bull shit!

The networks have hired this superslick lobby group called Television Information Office (745 Fifth Avenue, New York, NY 10022) which sends out beautiful scare literature to solicit letters against pay-TV, just as the film industry did back in the days when TV movies began. OK. That's the way "business" is done these days.

But has anyone heard a TV special on this topic? Has Brinkley or Cronkite or the instant-philosopher Severeid said anything about *this* "business interest"? No way!—*that* would be objective reporting *par excellence.* So turning off your set is not the only option that ought to be possible in a free market place of television production. But the folks with *so* much love for liberty (and license) are doing all they can to make it impossible for anyone but the Big Three to get into the act. Pay TV could enter small markets; it could cater to small audiences, with special interests and preferences. The local news could be *bought*—maybe at a high price, maybe not. But your protectors of the freedom of the press are shutting out competition—by sheer force and fraud.

So I am angry—and I hope you will be too. If so, maybe you'd like to let those around you know about it. And give them your reasons; maybe something can be done to stop coercive monopolies—even if their mouthpieces come off sounding like the First Amendment personified.

trends

This column reports trends in the advancement of individual liberty and the rediscovery of economic freedom. Readers are invited to submit material of potential interest.

HEALING THE RAILROADS

Much of the hand-wringing over the fate of the bankrupt Penn Central Railroad has tended to obscure the full extent to which the policies of the federal government have brought about not only that debacle, but the decline of American railroading in general. Rail transportation is an order of magnitude more cost-effective than trucking, in terms of such measures as ton-miles transported per gallon of fuel. Yet massive federal subsidies of trucking and barge transportation, the incredible government-enforced stranglehold of the rail unions, and inflexible ICC rate regulation, accounting methods, and service policy requirements have combined to produce a railroad system that carries but a fraction of what it would under free market conditions. In viewing the plans to bail out Penn Central, it is extremely important that at least as much attention be focused on preventing further disasters, by removing as much government intervention as possible.

In 1972 economist Thomas Gale Moore of Michigan State University found that the ICC's regulation of rail and truck transportation was costing consumers as much as $10 billion per year in wasted resources. Moore's data suggested that the ICC's regulation of railroad rates has been "holding many rates higher than the railroads find in their own best interests." If regulation were reduced or eliminated, he continues, "lower rates for many products would likely be posted by rail carriers." Similar findings were made in the 1970 Nader Study Group report on the ICC.

Data such as these form the basis for a new bill introduced by the Administration in January. In addition to providing $2 billion in government loan guarantees for new equipment, the bill would do the following:

- Prohibit the ICC from keeping freight rates artificially high
- Allow railroads to eliminate unprofitable branch lines almost automatically
- Require the ICC to act promptly on railroad requests for rate changes and allow it to take jurisdiction away from state public utility commissions which fail to act promptly on intrastate rate increases or decreases.
- Prohibit states and localities from enforcing "discriminatory taxation" of railroad property (estimated at $55 million per year).

The new legislation would apply to all railroads, not just those currently in or near bankruptcy.

One of the biggest political obstacles to passage of such a bill will be opposition from state and local politicians to the branch line abandonment provisions. Yet in many cases, abandonment of a branch line by a large railroad need not spell the death of rail service there. There is an increasing trend across the country for the formation of new short line railroad companies, to take over and operate—*profitably*—needed short-distance lines. The key factors involved are regulatory and managerial. Operating as a new, independent short line, the small railroad is free of the former railroad union rules; it can therefore hire only the people it needs and pay them reasonable wages for close-to-home work. It is also small enough to operate with close management supervision and cost control, and good labor/management relations. In addition, the reduced scale of operations usually means much lower overhead for the short line.

In the past year a new consulting firm, Trans-Action Associates of Joliet, IL has helped convert a number of former branch lines into profitable short line companies. Such railroads include the Great Plains Railway (Nebraska), the East Camden and Highland (Arkansas), the Central Iowa, the Louisiana Midland, and the Oklahoma Western. These new lines are the first of a growing wave of short lines created out of failing branch lines. They join some 400 existing, mostly profitable short lines. The short lines illustrate clearly that private enterprise can provide the solution to America's railroad ills, if the government will simply remove its crippling restrictions. Despite some flaws, the Administration's new railroad bill is a step in that direction.

SOURCES:

- "ICC Rail, Truck Rate Regulation Hit in Study," AP (Washington), December 11, 1972.
- *THE INTERSTATE COMMERCE OMISSION,* Robert Fellmeth, Grossman Publishers, 1970.
- "Bill to Relax Regulation of Railroads Drafted," UPI (Washington), January 4, 1974.
- "The Big Rush Into Short Line Railroads," *BUSINESS WEEK,* October 20, 1973, p. 104.

FREE MARKET SUGAR

One of the federal government's most "unquestionable" interventions into the marketplace has finally come up for reconsideration in this age of consumerism. For 40 years the government has operated a sugar control program, under which the Agriculture Department decides how much sugar it will allow to be sold in the U.S. each year and at what prices. It then divides this "consumption quota" into sales quotas, one for domestic producers (who get about 55 percent) and another for foreign producers in some 30 countries (who get the remainder). This gigantic cartel arrangement has generally pleased domestic producers and has been a source of political power in U.S. international relations. Those who have been hurt by the cartel are (1) American consumers who have been denied the lower prices of free market competition, and (2) efficient overseas producers, who might have obtained considerably greater market shares in open competition.

Now, however, the Agriculture Department has announced a plan to end the quota system and open the market to all comers (except Cuba, which remains on the State Department's enemies list). The reaction from most domestic sugar producers has, of course, been hostile. Few companies prefer the perils of free competition to the security of a government-enforced cartel. Hopefully, American consumers will have the wisdom to speak up for the benefits of competition before the sugar lobby kills the whole plan.

SOURCE:

- "Sugar Industry Raps Plan to End Quotas," UPI (Washington), November 7, 1973.

TAX REBELLION SCORECARD

In recent months the loose assortment of people and groups struggling against the federal income tax has encountered some victories and some setbacks. First the good news. Last September a Minnesota tax rebel, William Drexler, was acquitted by a jury of charges of "willful failure to file income tax returns" for 1968, '69, and '70. Drexler had indeed filed returns, but had filled in only his name and address, arguing that to supply any further information would tend to incriminate him, and could therefore be lawfully omitted. The jury agreed (after only 15

minutes of deliberation) and returned a verdict of innocent on all counts.

Now for the bad news. In California, a U.S. District Court judge ruled in November that filling out an income tax form does *not* violate the constitutional right against self-incrimination. A group called the Association of Concerned Taxpayers (ACT) had filed a class action suit, seeking to require the Internal Revenue Service to include the Miranda warning against self-incrimination on all income tax forms (see *REASON,* "Trends," January 1974). ACT reacted strongly to the judge's decision, charging that it creates a situation in which "a burglar, rapist, or murderer is afforded his rights and an honest taxpayer is not." An appeal of the decision is under way.

In further bad news, three leading tax rebels have recently suffered various forms of legal action. Jerome Daly, another Minnesotan who cites the Fifth Amendment, was recently ordered committed to the Federal Hospital in Springfield, Missouri, for "psychiatric evaluation," for an indefinite period. Marvin Cooley of Mesa, Arizona, author of *THE BIG BLUFF* (which advocates nonpayment of taxes) was sentenced to three years in prison and a $6000 fine in October. And James W. Scott of Fresno, California, national chairman of the Tax Rebellion Committee, was found guilty by a U.S. District Court jury on four counts of failing to file income tax returns. Following his conviction, Scott was arrested along with two associates, Claire Kelly and Vaughn Ellsworth, on "suspicion of obstructing justice and conspiracy to obstruct justice."

Clearly, the legal status of various forms of tax resistance is unclear, and the IRS is making a concerted effort to make examples of leading tax rebels. So far William Drexler seems to be the first to prevail against the might of the IRS.

SOURCES:
- "Jury Acquits Tax Rebel," *DOLLARS AND SENSE,* September/October 1973.
- "Judge Rules Filing Tax Form Not Rights Violation," AP (San Diego), November 13, 1973.
- News item (Jerome Daly), *THE INTERESTED PARTY,* November 1973.
- News Item (Marvin Cooley), *SANTA BARBARA NEWS-PRESS,* October 30, 1973.
- "Tax Rebellion Leader Convicted, Then Seized," *LOS ANGELES TIMES,* December 16, 1973.

ENDING THE HOUSING FIASCO

Last fall it was quietly announced that the federal government's one-time "showcase" public housing project—18-year old Pruitt-Igoe in St. Louis—would be completely demolished. Originally built at a cost of $36 million to house 10,000 people, the complex in recent years had become a nearly-abandoned jungle, inhabited by only 587 families, despite $13.8 million in renovation over the past five years. Now another $2.5 million will be spent to demolish the buildings.

Pruitt-Igoe and its fate illustrate the generally-acknowledged bankruptcy of phase one of the government's attempts to solve America's "housing problem." The second phase is encompassed in the 1968 Housing and Urban Development Act's two principal subsidy programs: Section 235 subsidizing the construction of owner-occupied dwellings and Section 236 rent subsidies. Several recent studies have illustrated the bankruptcy of these programs as well. The MIT Department of Urban Studies and Planning found that as much as one-half of all federal subsidy funds in the programs "never reach the residents they were supposed to benefit." Instead, the principal beneficiaries of the funds seem to be (surprise!) the intermediary bodies which dispense funds and operate housing programs: local governments, local housing authorities, housing sponsors, urban renewal agencies, and FHA offices. Further, the conditions attached to the subsidy typically reduce rather than enhance the poor family's freedom in solving its housing needs.

Another study was conducted by economist Harrison Wehner of the University of Virginia. Wehner's analysis showed that current subsidy programs are extremely wasteful, promoting the construction of expensive new housing for the poor when there is a large amount of housing available that could be rehabilitated for a fraction of the cost per dwelling unit. Current construction subsidy programs in New York, for instance, cost $3000 to $5000 annually per assisted family; the cost of equivalent renovation of existing dwellings would be only about $1500. Wehner pointed out that neither the purchaser nor the seller has any incentive to economize, because the government stands ready to make up the difference between the actual price and the purchaser's maximum payment.

Another study of Sections 235 and 236 estimates that the amount of money currently being spent could help nine times as many poor households if the programs were restructured to provide economic incentives and greater freedom of choice. Attorney Irving Welfeld notes that current programs provide public housing tenants with new units which cost about 2½ times the average cost of housing occupied by taxpayers. Section 236 pays the highest subsidies to families that can pay the most, while Section 236 penalizes developers who try to save money. Overall, the basic fallacy has been the federal attempt to construct *new* housing units for people who cannot afford them.

What is the solution? Ideally, remove the government from the housing field, and reduce the crushing burden of taxation (including the 25-30 percent paid by persons earning under $5000 per year) so that more people can afford used but serviceable housing. In the shorter term, such counterproductive programs as Sections 235 and 236 should be abolished. Interim federal housing assistance, if any, might provide direct grants to the poorest housing consumers, to spend as they see fit. This would remove the incentive of builders and bureaucrate to create ever-larger empires based on the promise of never-ending federal support for economically unjustified housing.

SOURCES:
- "Huge Housing Complex to be Demolished," *LOS ANGELES TIMES,* August 28, 1973, p. 2.
- "Housing: Where the Money Does Not Go," *TECHNOLOGY REVIEW,* October/November 1972, p. 64.
- SECTIONS 235 AND 236: *AN ECONOMIC EVALUATION OF HUD'S PRINCIPAL HOUSING SUBSIDY PROGRAMS,* Harrison G. Wehner, Jr., American Enterprise Institute Evaluative Studies 8, June 1973.
- *AMERICA'S HOUSING PROBLEM: AN APPROACH TO ITS SOLUTION,* Irving H. Welfeld, American Enterprise Institute Evaluative Studies 10, October 1973.

AMA TO FIGHT PSRO

The federal government's plan to subject doctors and patients to bureaucratic control via Professional Standards Review Organizations (PSRO) has long been opposed by a majority of physicians (see *REASON,* "Trends," December 1973, p. 34). The American Medical Association, however, after initial opposition to the plan, had adopted the position of "going along with the inevitable" once the PSRO legislation passed Congress. But delegates to the AMA Convention in December made a major switch in policy. After a long debate session, including a stinging attack on PSRO by Rep. Phillip Crane, the AMA House of Delegates voted to work for repeal of the law. The delegates declared that the public and legislators should be informed of the "potential deleterious effects of the law on the quality, confidentiality (of patient records), and cost of medical care. The best interests of the American people, our patients, would be served by repeal."

SOURCE:
- "AMA Will Seek Repeal of U.S. Measures to Check Health Care," Harry Nelson, *LOS ANGELES TIMES,* December 6, 1973. ◻

frontlines

☐ LIBERTARIAN SLEUTHS

Nader's got his Raiders and the libertarian movement has the **Libertarian Task Force,** a group of college and graduate students who spent the summer of 1973 analyzing appropriations and producing cost estimates on the 2,133 bills proposed in the Senate in the first six months of the 93rd Congress. Their 200 page report, published in September, awarded each Senator a fiscal impact total and ranking based on his record in voting, and has received very good media coverage. Kevin Phillips and John Chamberlain devoted full columns to it, the *NEW YORK TIMES,* the *WASHINGTON POST,* the *CHICAGO DAILY NEWS,* the *WASHINGTON STAR-NEWS,* the *BOSTON GLOBE,* and *NEWSDAY* have run articles or features, and the *INDIANAPOLIS NEWS,* the *RICHMOND NEWS-LEADER* and WRAL-TV did editorials.

The initial printings of the report—amounting to 700 copies priced at $5 apiece—have been exhausted but the **American Conservative Union** has just undertaken another (for a copy send $5 to ACU, 422 First Street SE, Washington, DC 20003).

Thanks to the LTF having taken over the small, blue-chip **Sabre Foundation,** summer 1974's project looks financially secure (at least they'll be able to pay living expenses) and plans call for expanding into a rating of members of *both* houses of Congress. The LTF is looking for 20 qualified students to work this summer; applications should be sent to **Lawrence Siskind,** Lowell House J-52, Harvard University, Cambridge, MA 02138.

☐ GIVE ME LIBERTY . . .

The Society for Individual Liberty sponsored a sail-in at the recent re-enactment of the Boston Tea Party, which earned SIL a mention in various newsservice and TV accounts of the event. Handbills were distributed noting that if the Colonists under England thought *they* had grievances *then,* they should be around to see what the government they founded is doing *now!* However the demonstration was less effective than it could have been due mainly to competition from the left-wing "Peoples Bicentennial Commission" which up-staged even the "official" program. SIL deserves kudos for having the right idea—it's just that they, and other libertarian activist groups, are competing against people who have a 10 year lead in developing the art of guerilla theater and street demonstrations. All it shows is that libertarians will have to loosen their inhibitions and put their imaginations and talents to work—the Bicentennial is too significant both in terms of symbolism and publicity to pass up! The next confrontation is scheduled for Lexington and Concord in April 1975—let's make it one for our side!

☐ NOTES

Joe Vogler, Chairman of **Alaskans for Independence,** recently sent a lengthy letter to Secretary of the Interior Morton with copies to the President, Congress and members of the United Nations General Assembly. The letter is an eloquent plea for Alaskan secession. Members of the Alaskans for Independence prefer to call their movement one of "independence" rather than "secession" since at this stage they are *asking* to be allowed to break free from Washington. **Grant LaPoint,** State Chairman of the **Alaska LP,** has been organizing LP support for the movement. Indications are that similar projects are under way in Hawaii and Puerto Rico . . . **Roger MacBride, John Hospers, Tony Sutton,** and **Tonie Nathan** will all be in attendance at the **LP of California Convention** at the Hotel Claremont in Berkeley February 16-18. **Richard Kleinow** is the new Chairman of the **LP of Minnesota** which is planning to be a major participant in the Minnesota State Fair. The first issue of the *REASONABLE ANSWER,* the newsletter of the LPM, contains an excellent explanation of the unique libertarian analysis of the political spectrum. Copies may be obtained by writing to the LPM at P.O. Box 19063, Minneapolis, MN 55411 . . . **Tom Palmer,** a freshman at U.S.C. has been appointed the new campus chairman by the Executive Committee of the **LP of California.** LPCers at California schools should contact Palmer at 16791 St. Cloud Circle, Huntington Beach 92647 . . . **The Libertarian Party of Florida** was recently organized and delegates to the convention in Orlando elected **Charlie Breenden** Chairperson. For further information on the LPF contact Breenden at 10704 N. 14th Street, Tampa, phone (813) 977-1568 . . . A new libertarian study group, tentatively called the **Libertarian Dialectic,** has been formed in the Boston area. Modeled after the Great Books Reading Program, the group plans to discuss works of philosophy, history, and political science from the viewpoint of the individualist. *ATLAS SHRUGGED* is the book currently under study. For further information contact **David E. Long,** 95 Center Street, Brookline MA 02146 . . . **Christian Laissez-Faire** is a Christian libertarian group which meets in the Los Angeles area on the third Sunday of the month for discussion and fellowship. On February 10 CLF will sponsor an all-day **Free Enterprise Forum** at **Cypress College;** speakers will include former Congressman **John Schmitz,** publisher **H. Edward Rowe,** Cypress College professors **James Phillips** and **Devon Showley.** For further information contact **Alice Lillie,** 11423 Ohio Street #6, Los Angeles 90025, phone (213) 477-6104 or **Craig Huey,** 120 Bennett Avenue #6, Long Beach 90803, phone (213) 438-9021 . . . **The National Committee to Legalize Gold's 1974 Monetary Conference,** held in New Orleans January 18-20 was a rousing success, with about 750 participants— "a financial Woodstock" in the words of attendee **Bob Meier,** who is special editor of *REASON's* forthcoming special financial issue . . .**The Hawaii LP** help its Convention in January at which the first order of business for 1974 was determined to be gaining a place on the ballot . . . **Murray Rothbard** spoke to nearly 300 people in Northern California at a meeting organized by the **Santa Clara County Region of the LPC.** Rothbard received an enthusiastic reception from a basically "conservative" audience that was sympathetic to his explanation of the fallacies of Keynesian economics . . . **Bob Steiner,** Chairman of the **New Jersey LP,** has announced his candidacy for congressman in 1974. For what it is worth, he has been endorsed by the Alaskans for Independence! Contributions may be mailed to Steiner for Congress, P.O. Box 112, Westfield, NJ 07091 . . . The **Free Libertarian Party** in New York will hold a special Convention in February to elect delegates to the 1974 National LP Convention. The FLP continues to garner publicity in the wake of **Fran Youngstein's** recent mayoralty candidacy . . . **Utah LP** Chairman **George Chapman** has produced a pamphlet that explains the basic philosophy of the ULP. Efforts are under way in Utah to get the LP on the ballot . . .

Please send material for inclusion in FRONTLINES *to Lynn Kinsky at* REASON, *P.O. Box 6151, Santa Barbara, CA 93111. Meeting and activity announcements will be carried as space permits; however we must receive announcements two months before the actual event if we are to publish it as a "coming attraction" rather than as history. Tell us about your group, your activities, your strategies for social change in as much detail as possible. Items accompanied by photos are especially welcome.* ◻

publisher's notes

• **FACULTY REGISTRY:** *REASON* has received a number of additions and corrections to *REASON's FACULTY REGISTRY,* a listing of university faculty members who teach courses of interest to libertarians. The initial listing was published in January and contains the names of well over 200 faculty members (not all of whom are themselves libertarians). We invite *REASON* readers to continue to submit additional names, for publication later this year. Limited quantities of the January issue are still available at the cover price of $1.00.

• **REASON IS GROWING:** This month's issue is being sent to more than 8000 paid subscribers in the United States and abroad. We are grateful for the enthusiastic support from our readers, and hope that you will continue to help us grow by turning your friends, relatives and teachers on to *REASON.*

Readers interested in helping support *REASON's* promotion campaign to reach nonlibertarians are invited to become **REASON ASSOCIATES.** All *REASON ASSOCIATES* receive a wallet-sized membership card, a handsome membership certificate, a free copy and the initial issue of *REASON PAPERS* and a free one-year *REASON* gift subscription (for the person or institution of your choice, e.g., your favorite library). In addition, *Regular Members* ($25/year) receive a free autographed copy of the Reason Press paperback edition of John Hospers' *LIBERTARIANISM,* while *Supporting Members* ($50/year) receive an autographed hardcover edition of *LIBERTARIANISM.* For *Sustaining Members* ($100/year), REASON ASSOCIATES provides an exclusive bound edition of Volume 3 or Volume 4 of *REASON* Magazine. If you have been considering joining *REASON ASSOCIATES,* or would like to renew your membership, send in your check today!

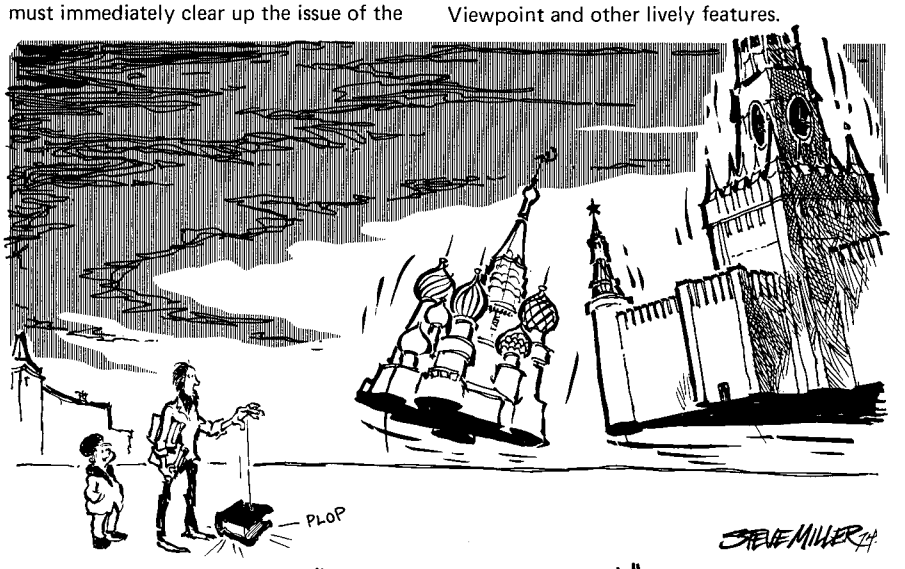
• **LIBERTARIAN CONGRESSIONAL RATINGS:** An extremely useful vote analysis of Congressmen from a libertarian perspective (no Virginia, it's not the same as ACA, ACU or the John Birch Society ratings) has recently been published. Authored by Eric Scott Royce, the *ROYCE REPORT* analyzes votes of every Senator and Congressman on 25 key issues. Copies of the *ROYCE REPORT* are available for $1.50 each from Libertarian Information Service, P.O. Box 31638, Aurora, CO 80011. Also of value is the *ROYCE-ROTHBARD REPORT,* an expanded rating system for U.S. Senators, which analyzes the voting records of each Senator on 38 issues. Compiled by Murray Rothbard, the expanded version also rates Senators by categories, from "Very Good" to "Super Bad." Highest scoring Senators are two freshmen, Bartlett (R., Okla.) and Scott (R., Va.), and the absolutely worst of all is Scoop Jackson (D., Wash.). Honors for best libertarian voting record in the House in 1973 go to H. R. Gross (R., Iowa), who outdistanced the somewhat disappointing record of libertarian freshman Congressman Steve Symms (R., Id.) (see *REASON's* exclusive interview with Symms in last month's issue, copies still available at $1.00 each.) The *ROYCE-ROTHBARD REPORT* is contained in the December 1973 issue of the *LIBERTARIAN FORUM,* edited by Dr. Rothbard. The *LIBERTARIAN FORUM* is available by subscription for $8 per year from P.O. Box 341, Madison Square Station, New York, NY 10010.

• **NIXON'S TAXES:** Representative Charles A. Vanik (D., Ohio), expressed concern about a "widespread intention to follow the pattern of the President of the United States with respect to income taxes." As reported in the *LOS ANGELES TIMES* on January 18, 1974, Vanik stated, "If the President can get away with it, other citizens feel they have an equal right to stretch their deductions, to stretch their exemptions, to stretch their write-offs. If the Treasury is to avoid a disaster [involving a loss of billions of dollars of tax revenue] by April 15, it must immediately clear up the issue of the President's taxes." As a result of what Vanik termed Nixon's "unfortunate example," Vanik believes that "the voluntary [sic] income tax system . . . is now being threatened to the peril point."

Also of interest in connection with Nixon's taxes was the statement of his accountant, Arthur Blech, who indicated that he could have "picked up $10,000, $15,000, $20,000 more in expenses" that weren't claimed, but did not do so "because of the conservative nature of the work I tried to do. . . . Because the line was not black and white. The line was gray." However, Michael Skigen, a CPA who examined Nixon's tax returns in detail reported in a penetrating article, "Second-Guessing Mr. Nixon's 1040," *WALL STREET JOURNAL,* January 2, 1974, that he "found a good deal more gray than Mr. Blech apparently did," and that Nixon's taxes should have been substantially higher "if the President had been treated by the IRS like an ordinary taxpayer."

From a libertarian perspective on tax reform, we suggest the watchword should be "Expand tax loopholes—all of them—for everyone, except politicians who derive their official salary by means of compulsory taxation."

• **COMING NEXT MONTH:** *REASON*'s April issue will feature articles discussing IBM and its antitrust problems, focusing on the effects of antitrust regulation in the computer industry. Also included will be Murray Rothbard's Viewpoint and other lively features.

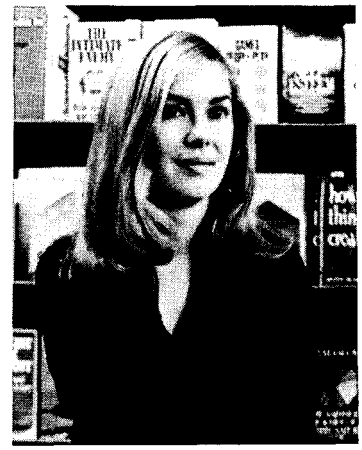


"GEE, MR. SOLZHENITSYN!"

The issue of authoritarianism is a major one for Sharon Presley—"I don't believe that we can have a nonauthoritarian political society without nonauthoritarian personal attitudes"—and is the unifying theme between her interests in *psychology* (her M.A. in research psychology in 1971 from San Francisco State College dealt with a comparison of conservative and libertarian youth on measures of intellectual orientation and autonomy and she hopes to start this fall on a Ph.D. in personality and social psychology), *anarchism* (which she came to in 1968 after attending Rampart College's Freedom School and reading Lysander Spooner's *NO TREASON*), and *feminism* (she makes the point that a feminist who is consistent in applying the idea of personal autonomy and independence should be politically a libertarian). Her writings and speeches at libertarian conventions have reflected these interests.

Ms. Presley's interest in libertarianism started after reading *ATLAS SHRUGGED* in college in 1962. She became active in the Goldwater campaign and in 1965 she helped found the contemporary libertarian movement's first organization: The Alliance of Libertarian Activists (in Berkeley). At present she lives in New York City and is co-proprietor, with John Muller, of Laissez Faire Books—the nation's only libertarian bookstore (see *REASON*, September 1972 for Paul Lepanto's article on its founding)—and is editor of the store's book review newsletter and catalogue. She is also an associate editor of Free Life Editions, a new libertarian publishing company.

Her major criticism of libertarians deals with "the inability of many of them to apply abstractions to real-life situations. Many libertarians seem to think that just because they're libertarians they're automatically gifted with ability, so they don't have to work hard and learn skills—their *incompetence* then causes them to be *ineffectual.* And we need new and *specific* ideas about how to apply principles in *specific, concrete situations.* One of my pet peeves and an example of many libertarians' inability to translate theory into practice: over half of the libertarians who write to John's and *my* store address their letters 'Dear Sirs' or 'Gentlemen.' Most libertarians say they are against sexual stereotyping but many don't look at how their own actions continue to reflect unconscious sexist thinking!" ◻



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letters

ENERGY EXPERTS

I wish to point out to libertarians that the energy shortage is a superb vehicle for bringing to the public the case against government intervention in the economy. The energy shortage commands the interest of many people, since energy use pervades every detail of our lives. Over the next decade, energy problems will give us many opportunities, as individuals, to articulate the case for a free market. We would do well to prepare ourselves by becoming experts on energy—its sources, its forms, the uses for the different forms, the costs of extracting, processing and delivering it, the number and size of the suppliers, the profit margins, the history of the industry, and the history, present status and consequences of regulation.

I am quite convinced that government intervention will end only when a majority, or at least a substantial minority, of Americans have concluded that intervention is harmful. A long, slow process of persuasion is therefore in order. If we can engage in that process well equipped with information and insight, our results may be out of proportion to our small number.

Inars Gruntals
Mendham, NJ

KOLKO'S COMPLAINT

Regarding Gabriel Kolko's letter to *REASON* publisher and editor Manuel Klausner concerning his [proposed] inclusion in *REASON's* Faculty Registry (p. 33, January 1974): As a historian I long have been amused at the infatuation some libertarians have for the writings of Gabriel Kolko. I did not have to read his works to know that "There has never been such a system [capitalism] in historical reality." (Quoted from his letter.) But for Kolko to join this remark with "my works are attacks on that system," which he admits never has existed in "historical reality," is to admit that his position, not " 'free market' economics," is a "quaint irrelevancy." You may tilt at windmills, but it is foolish to tilt at wind. Libertarians might read *PIERRE S. duPONT AND THE MAKING OF THE MODERN CORPORATION,* Alfred D. Chandler, Jr. and Stephen Salsbury, Harper and Row, 1971. This is business and economic history at its best.

Dr. James Allen Scott

HANDLING "FREE-RIDERS"

In your letters section, November issue, Mr. Alan Reynolds criticizes Mr. Ziegler's "Pay-What-You-Want Tax Plan" [August 1973] on the issue of "free-riders," those noxious individuals who would pay nothing for public services while still making use of them.

His reasoning apparently is that if everyone has the choice, to pay or not to pay, some would choose *not* to pay, while collecting the benefits of those who do pay. I would answer Mr. Reynolds, "So what?" If there are too many such free-riders, taxpayers could (in the immortal words of Mr. Ziegler) "choose to use their rebates to shop for free market alternatives."

I submit that to criticize Ziegler's voluntary tax plan on the issue of "free-riding" —while the current Pay-What-The-Government-Wants Tax Plan *guarantees* free riding—is not to be merely illogical: it is to border on the verge of the obscene.

Michael Rael
Los Angeles, CA

LIBERTARIAN DIPLOMATS

Dr. Welch's article " 'Containing Communism': The Art of Getting Along" [January] makes its own point well enough, but misses the main one—namely, that "getting along" is what diplomacy is for. The end result of a breakdown in diplomacy is usually war. The Soviet attitude has throughout made this eventuality all too likely, and such a war would be nuclear. Therefore the American government has been quite correct in principle (though seldom in practice) when it has tried to use resistance, pressures, and inducements to bring about an honest desire for negotiation and compromise in the Kremlin.

And that is as far as its aims should go, too. Have a couple of world wars and their aftermaths not taught us the lunacy of crusading on behalf of any ideology, even an ideology of freedom? Let us put our own house in order, and we will soon have a host of emulators.

Even a completely libertarian America would still need diplomats who could deal realistically on behalf of us all with foreign governments. Even a completely libertarian world would still need brokers, negotiators, and arbitrators—which is what diplomats have traditionally been supposed to be. Without them, we'd be worse off than we are.

Poul Anderson
Orinda, CA

MAFIA PROBLEM

A little question for your readers. If they had their wish, and the government were done away with, what would they do about the Mafia?

John Holt
Boston, MA

ASSOCIATING WITH CONSERVATIVES

A recent issue [January] carried letters decrying *REASON's* "association" with "conservatives" and other "non-libertarians." I, for one, think such condemnations are nothing more than exercises in pure idiocy. . . .Libertarians should be the first to recognize that, just because a person professes to be a "socialist" or whatever, it does *not* follow that *all* of his opinions are wrong.

I hope that *REASON* will continue to publish those articles which, in the opinion of the editors, further the cause of freedom and understanding, both as to our past mistakes and our future course, regardless of who happens to pen them. Yes, this includes Gabriel Kolko and Mark Rudd.

Robert B. Crim
Naugatuck, CT

PROJECT PRINCIPLES, NOT IMAGES

Bruce Ramsey, in his letter condemning bridge-building with conservatives (*REASON,* Jan. 1974), states, "Conservatives have a certain image in the public eye: a group of socially uptight and pious nationalists, church-going bigots, cantankerous Middle Americans, etc." Mr. Ramsey advocates that libertarians "project a clearly different image . . . ."

The issue of fellow travelers aside, I question Ramsey's apparent preoccupation with the public eye and the projecting of images. What of our position favoring abolition of all laws regulating drugs, prostitution, gambling and obscenity, our advocacy of total laissez faire, our approval of isolationism and our disbelief in theism? Does Mr. Ramsey indeed

believe that this "image" presented to the "public eye" will immediately find approval among the majority of our fellow citizens, those who overwhelmingly favor wage and price controls, gas rationing and supported for many years our involvement in Indo-China.

I suggest we proudly present our principles and programs to all who search for a better way and leave the concern for the public eye and the projection of images to the Nixon Administrators and their Democratic counterparts. We have nothing to hide.

David Finkel
Springfield, MO

TEN-HOUR DAY

Nolte's calendar ["New Year's Revolution," January] is stupendous! I've already started using it—with some minor variations. The irrationality of Grzyczislaw's calendar is indeed preposterous, but hardly as arbitrary as the 24-hour day, which was maliciously introduced by Mrqtraeml Pythagoras (who also dabbled in triangles).

It seems only appropriate that in rejecting Grzycaislaw's calendar, we ought also to decimate Mrqtraeml's day! Therefore, I propose the 10-hour day! Each hour would have 100 minutes, and each minute 100 seconds. The merits of adopting this system are ponderous. Watches could be done away with, since everyone could count the hours on their fingers (or toes); "15-minute coffee breaks" would be twice as long and the "8-hour" workday would finally be obsolete (imagine working only 3 hours, 33 minutes and 33 seconds a day!).

No doubt this system will be adopted shortly by the congress as one way of dealing with the gas shortage. After all, who would even consider driving 168 miles-per-hour on a common freeway! It would also allow U.S. to claim every speed record in existence: men would walk at 7.2 MPH, the "4-minute" mile would be run at 36 mph, and common automobiles would be capable of 288 MPH!

Of course every system has its faults. A "one minute" commercial on radio or TV would be 15% longer and 11th-hour strategies would have to be abandoned. These are minor irritations in the grand scheme of the Westmiller Clock. . . .

The new dawn of the Nolte-Westmiller system will leave us free to reconsider other horrendously arbitrary and irrational systems. Who says there should be 360 degrees in a circle? . . .

Bill Westmiller
Lancaster, CA

Among various letters commenting on Ned Nolte's proposed new calendar, reader John W. deGroot III of Bucknell University, Lewisburg, PA, also wrote REASON *proposing a new time system to augment the Nolte Calendar.—Ed.*

FREE ENTERPRISE T.V.

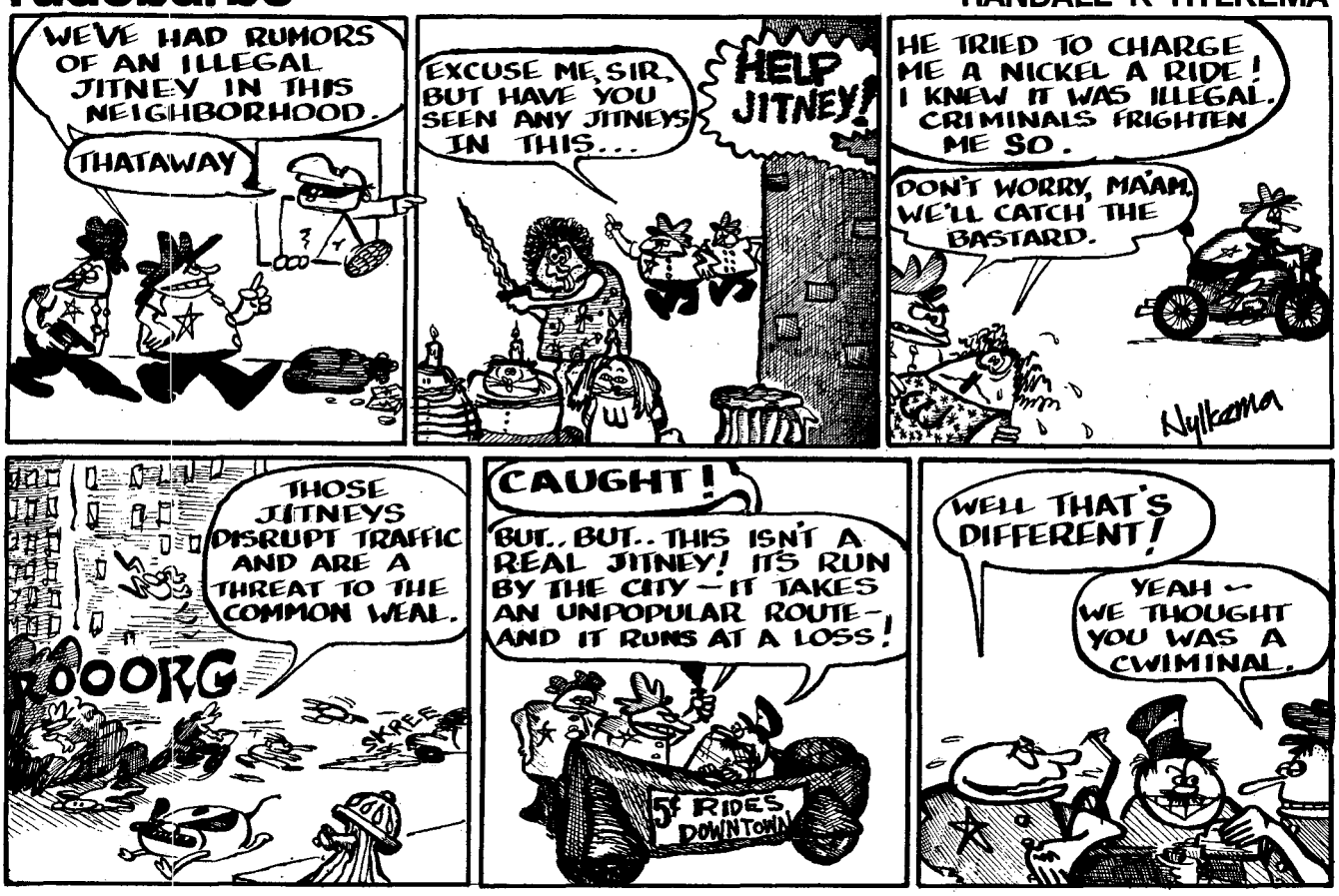
There is a T.V. station in Raleigh NC with a free enterprise oriented editorial policy. . . . Perhaps you can look into it and inform the readers of *REASON* about WRAL-TV, Channel 5, Raleigh, NC.

Steven Schneider
Cedarhurst, NY

Letters from readers are welcome. Each receives editorial consideration, although only a selection can be published and none individually acknowledged. They should be kept as brief as possible and are subject to condensation. Letters submitted for publication in this column should be typed, double-spaced. Send letters to REASON, P.O. Box 6151, Santa Barbara, CA 93111.

rudebarbs

RANDALL K HYLKEMA


WE'VE HAD RUMORS OF AN ILLEGAL JITNEY IN THIS NEIGHBORHOOD.
THATAWAY
EXCUSE ME, SIR, BUT HAVE YOU SEEN ANY JITNEYS IN THIS...
HELP JITNEY!
HE TRIED TO CHARGE ME A NICKEL A RIDE! I KNEW IT WAS ILLEGAL. CRIMINALS FRIGHTEN ME SO.
DON'T WORRY, MA'AM, WE'LL CATCH THE BASTARD.
Nylkema
THOSE JITNEYS DISRUPT TRAFFIC AND ARE A THREAT TO THE COMMON WEAL.
ROOORG
SKREE
CAUGHT!
BUT..BUT..THIS ISN'T A REAL JITNEY! IT'S RUN BY THE CITY—IT TAKES AN UNPOPULAR ROUTE—AND IT RUNS AT A LOSS!
5¢ RIDES DOWNTOWN
WELL THAT'S DIFFERENT!
YEAH — WE THOUGHT YOU WAS A CWIMINAL.

classifieds

BOOKS

LAISSEZ FAIRE BOOKS: *THE LIBERTARIAN ALTERNATIVE,* Machan, editor, $12.50. *THE MACHINERY OF FREEDOM,* Friedman, $2.25. *FREEDOM, ANARCHY AND THE LAW,* Taylor, $2.95. *THE SECOND SIN,* Szasz, $5.95. *HOW I FOUND FREEDOM IN AN UNFREE WORLD,* Browne, $1.95. **NEW:** *YOU CAN PROFIT FROM A MONETARY CRISIS,* Harry Browne, $7.95. Free catalog. LAISSEZ FAIRE BOOKS, 208A Mercer, Dept. R3, New York, NY 10012.

FOR SALE: *ATLAS SHRUGGED* (2 ea.), 10th Anniversary Limited Edition (2,000 copies); *CAPITALISM THE UNKNOWN IDEAL* (1 ea.), Limited Edition (700 copies); autographed, numbered, boxed, outstanding condition. Make (split) bids to: Wade Nivison, Box 161, Prudential Center, Boston, MA 02199.

EMPLOYMENT

LIBERTARIAN LAW STUDENT, 26, graduating August, seeks position with established libertarian lawyer or "movement" organization. Baylor Law School; Associate Editor, Law Review; Top 20%; Resume on request. Keith Jones, 1800 So. 7th, Waco, TX, 753-8065,

RADIOCHEMIST, 15 years experience at all levels of radioactivity, in production and research. seeks position, preferring West or Southwest. U.S. Citizen. Box GA, *REASON.*

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DEFENSIVE INVESTMENTS. Full service brokerage house specializing in silver and numismatic gold coins, domestic and South African gold mining stocks. Swiss bank forms available. Contact STEVE BUCKSTEIN, T. E. Slanker Company, 1004 Yeon Bldg., Portland, OR 97204.

PERSONAL

I WANT TO MEET THOUGHTFUL, OPEN, INTELLIGENT LIBERTARIANS for purposes of conversation and/or correspondence. I am 30, quiet, deeply intellectual. My loves include philosophy, psychology, literature and writing; among my favorite authors are Dostoevsky, Conrad, Nietzsche, Koestler, Ardrey, and John D. Mac Donald. Write Robert Masters, 172 West 109th Street, New York, NY 10025.

TO PEOPLE WHO ARE DEEPLY CONCERNED about the infringements of liberty and who are seriously interested and/or active in alternatives to urban or society living: I am coordinating an information and name exchange among people of the above persuasion. Society is collapsing and it is becoming increasingly dangerous to remain in it; at least a few personal precautions are in order. If you are making plans in this area, or are interested in doing so, please write. *Dennis Edwall,* 230 Henry Dr., Newbury Park, CA 91320.

LIBERTARIAN? SO AM I. SO WHAT? How influential are we? We need more prominent, successful spokesmen. I publish a newsletter for businessmen and professionals. Called *TO YOUR SUCCESS,* it covers goal setting and achievement, self-esteem, self-motivation, personality development, interpersonal relations, etc.—different aspects of how to become more able to succeed. Subscription cost to the general public is $28 per year, but a substantial discount is available to readers of *REASON.* If you like the idea of becoming more successful and influential, write today for details. Dave Bean, Compass Publications, 4676 Admiralty Way, Ste. 401-V2P5, Marina del Rey, CA 90291.

HAL JINDRICH FOR GOVERNOR. Hal Jindrich has announced his candidacy for the nomination for governor of California on the Libertarian Party ticket and has begun campaign activities. For more information, please send for his newsletter. 555 W. Middlefield, #S-201, Mountain View, CA 94043. (415) 969-9981.

I AM A NOT VERY REASONABLE READER OF REASON, 28, caucasian male. I am overweight, but I can look attractive. I am very intelligent, but I have no deep interests. It's hard for me to open up to girls, but once a girl told me I was very warm inside. (When she left, I cried—for it was true.) If you are a woman seeking a friend whom you might come to love—or if you are a man, as I, seeking a friend in a very lonely world—and if you think you might like me, do write to me soon. I want to hear from you very much. Write to *Michael Steven Rael,* 4408 Lockwood, #104; Los Angeles, CA 90029.

FREE YOURSELF!—Escaping "Church"-dictation/enslavement, escaping taxes LAWFULLY: How?: "Churchify" your individual beliefs. Practical details, proved in practice: *TOLERANTS,* POB 36099-R, Houston, TX 77036.

This space is in honor of
HOWARD HUGHES

MALE LIBERTARIAN with native distrust for institutional living (including objectivism) seeks roommate of either sex in the Seattle area. Write: Dave, 5518 8th N.E., Seattle, WA 98105.

PRIOR TO MY AD, in the October issue of *REASON,* my love and respect were centered around characterizations, found only in books, meticulously created to portray the beauty in human spirit, that is lacking in Reality. My HERO lives, beyond the scope and imagination of any characterization, because he is real. WALLACE WARD, is an achiever, independent, open and above all he is magnificently consistent. His unusually high degree of character development, symbolizes the depth of his integrity, justice, human dignity and courage. I have now entered a state of perpetual celebration. . . . Kelley Deverauex.

MONEY. How to build a MONEY MAGNET. Send $2 donation for pamphlet to *MSIA,* Dept. 614, Box 676, Rosemead, CA 91770.

CHICAGO AREA: Want to meet a libertarian/Objectivist group that's doing something? WHAM! We are the Libertarian Club of DuPage (affiliated with the Libertarian Party of Illinois). ZOWIE! Visit us the last Wednesday of any month at 8:00 P.M. at the home of Don Parrish, 5536 East Lake Drive, Apt. A, Four Lakes, Lisle (30 miles West of Chicago). WOW! For information, phone (312) 852-2844 or (312) 968-2279 or (312) 682-0619.

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PUBLICATIONS

HUMAN VALUES, a new journal of ideas for those concerned with them. 32 offset pages of philosophy, psychology, social science, education, the arts, fiction and humor. First issue features George H. Smith's overview of current philosophical trends, and music criticism by Kenneth La Fave. $8.00 charter subscription. 75¢ sample first issue, 2201 E. Grant #7, Tucson, AZ 85719.

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RAND-INTERVIEW PLAYBOY ISSUE (March '64). Three copies, in excellent condition; will sell to three highest bids received by March 31. *LIS,* Box 31638, Aurora, CO 80011.

NEW INDIVIDUALIST REVIEW has become a collectors item—a genuine classic of libertarian scholarship, published from 1961 to 1968. Articles by Murray Rothbard, Yale Brozen, Milton Friedman, Ludwig Mises, F. A. Hayek. For free brochure, contents of all available issues, send stamped envelope to N.I.R., Box 4691, Chicago, IL 60680.

BOUND OBJECTIVIST NEWSLETTER, OBJECTIVIST, binders (66-67, 68-69, 70-71), by complete binder only; both vols. *Ayn Rand Letter,* binders, by vol. only (incl. binder). AA LECTURES: Branden—*Introduction to Objectivism, Basic Principles 1, 3, 4;* Hospers—*The Politics of Liberty. REASON*—July 1971 to date, by year or entire. Best offer on all. Various other titles; for list send self-addressed, stamped envelope to: David Sackman, 508 E. Maple St., Fayetteville, AR 72701.

JOHN GALT was a physicist and engineer. Had he been an anthropologist, what kind of GULCH would he have created? Find the answer in *TANSTAAFL!,* a publication of the Rational Libertarian Church. 1 year (13 issues) $5, 5 years $23, 10 years $40, 100 years $300, 1000 years $2000. 3 samples $1.00. *TANSTAAFL!,* Dept. A, P.O. Box 2032, Ft. Collins, CO 80521.

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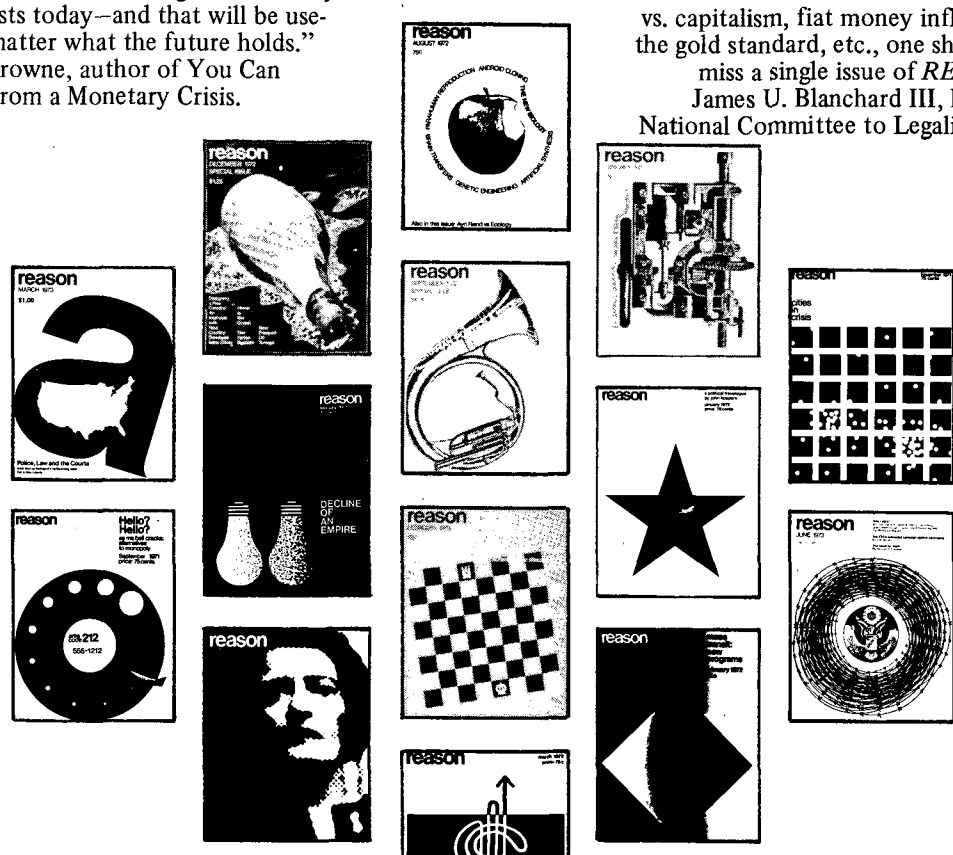
The classified ad deadline for the May issue is March 1.

"*REASON* is one of the few libertarian publications I find useful. The articles are logical and reasonable, and touch upon unusual areas; but most of all, a great deal of attention is given to the practical matters of living in the society that exists today—and that will be useful no matter what the future holds." Harry Browne, author of You Can Profit From a Monetary Crisis.

"*REASON* is the best magazine published today. It is the only magazine which has fine articles on economics written from an uncompromisingly free market point of view. If one is interested in such issues as state intervention vs. capitalism, fiat money inflation vs. the gold standard, etc., one should not miss a single issue of *REASON*." James U. Blanchard III, Director, National Committee to Legalize Gold.



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